

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COY PHELPS,)
)
 Plaintiff,)
V.) Civil Action No. 05-40003-GAO
)
DAVID WINN, et al.,)
)
 Defendants)
)

)

DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO DISMISS

Defendants hereby submit this Memorandum in Support of their Motion to Dismiss the Plaintiff's Complaint. They have moved, pursuant to Fed. R. Civ. P. 12(b)(1) and (6), to dismiss the complaint based on lack of subject matter jurisdiction and failure to state a claim.

INTRODUCTION

Plaintiff's forty-one page hand-written complaint is confusing, disorganized, and difficult to decipher. From what the Government can understand, Plaintiff has brought (1) a Bivens¹ claims against various staff members and medical personnel at the Federal Medical Center ("FMC") in Devens, Massachusetts, in their individual capacities, for alleged

¹ Plaintiff is a federal inmate alleging constitutional violations against federal defendants, his claims are therefore brought pursuant to Bivens v. Six Unknown Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), which established that the victims of constitutional violations by federal agents have a right to recover damages against that official in federal court, just as 42 U.S.C. § 1983 provides redress for constitutional violations by state officials.

violations of his First, Fourth, Fifth, Eighth and Ninth Amendment rights, (2) a challenge to the Bureau of Prisons' ("BOP") jurisdiction over him under 18 U.S.C. § 4243, and (3) claims under the Americans with Disabilities Act ("ADA").² Plaintiff's Complaint 18-37. Plaintiff seeks damages, declaratory and injunctive relief. Plaintiff's Complaint, 38-40. The Court should dismiss Plaintiff's claims for lack of subject matter jurisdiction because Plaintiff has failed to exhaust his administrative remedies, his challenge to his commitment should be brought in the district where he was committed, and he is barred under the Three Strikes provision of the Prison Litigation Reform Act ("PLRA"). Furthermore, the Court should dismiss Plaintiff's claims against certain Defendants on grounds of absolute immunity and because respondeat superior does not apply in Bivens actions. In the alternative, if the Court allows Plaintiff to proceed with his case, the Court should order Plaintiff to present a more clear and concise statement of his claims against the Defendants.

² The Defendants include David L. Winn, Warden, Michael Bollinger, Captain, James Dold, Director of Nursing, Sally Thompson, MD, Chief of Psychiatry, Paul Harvey, MD, Chief of Mental Health, Bradley Potolicchio, Correctional Officer, John Davis, Registered Nurse, Jim Fletcher, MD, Staff Psychiatrist, Wendy Blazon, Registered Nurse, Howard Haas, MD, Staff Psychologist, Kevin Leonard, Correctional Counselor, and Jeffrey Sonnega, MD Staff Psychologist.

ARGUMENT

The standard to be applied when deciding a motion to dismiss is well-established. The court must accept the allegations of the complaint as true, viewing the alleged facts in the light most favorable to the plaintiff. Hughes v. Rowe, 449 U.S. 5, 10 (1980) (per curiam). The complaint may be dismissed only if "it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Conley v. Gibson, 355 U.S. 41, 45-46 (1957); Harper v. Cserr, 544 F.2d 1121, 1122 (1st Cir. 1976).

I. THIS COURT DOES NOT HAVE SUBJECT MATTER JURISDICTION OVER PLAINTIFF'S CLAIMS.**A. The Court Should Dismiss Plaintiff's Claims For Failure to Exhaust His Available Administrative Remedies.**

Although Plaintiff exhausted his administrative remedies on the issue of the BOP lacking the authority to confine him, Plaintiff failed to exhaust his available administrative remedies concerning his remaining claims against the Defendants. The BOP has a three-level administrative remedy process, which is a method by which an inmate may seek formal review of a complaint related to any aspect of his confinement if less formal procedures have not resolved the problem. See 28 C.F.R. § 542, subpart B. If informal resolution efforts fail, the inmate may raise his complaint to the Warden of the institution in which he is confined, within 20 calendar days of the date that the basis

of the complaint occurred. Id. at § 542.14(a), (c). If dissatisfied with the response from the Warden, the inmate may appeal his complaint "on the appropriate form" to the Regional Director for the region where the inmate is located "within 20 calendar days of the date the Warden signed the response." Id. at § 542.15. If dissatisfied with the Regional Director's response, the inmate may submit yet another appeal "on the appropriate form" to the Director, National Inmate Appeals, in the Office of the General Counsel of the Federal Bureau of Prisons in Washington, D.C. "within 30 calendar days of the date the Regional Director signed the response." Id. An inmate has not exhausted his administrative remedies until he has sought review at all three levels. See Id. at § 542.15(a).³

In Booth v. Churner, the Third Circuit noted that "the [Prison Litigation Reform Act] amended § 1997e(a) in such a way as to make exhaustion of all administrative remedies mandatory—whether or not they provide the inmate-plaintiff with the relief he says he desires in his federal action." 206 F.3d 289, 300 (3rd Cir. 2000), aff'd, 532 U.S. 731 (2001). The Prison Litigation Reform Act of 1995, Public Law No. 103-134, 110 Stat.

³ Pursuant to 28 C.F.R. § 542.14, inmates raising "sensitive" issues as well as inmates challenging disciplinary actions of a discipline hearing officer (DHO), are excused from filing administrative remedies at the institutional level. They may access the administrative remedy system through submission of a Regional Administrative Remedy Appeal. Plaintiff's claims do not fall into one of the specified categories.

1321 (1996) ("PLRA") provides that:

No action shall be brought with respect to prison conditions under §1983 of this title, or any other federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.⁴

42 U.S.C. § 1997e(a); Booth, 206 F.3d at 299; see also Curry v. Scott, 249 F.3d 493, 505 (6th Cir. 2001) (the exhaustion requirement exists to allow prisons to address complaints against personnel before involving the courts). The exhaustion doctrine "enables the agency to develop a factual record, to apply its expertise to the problem, to exercise its discretion, and to correct its own mistakes, and is credited with promoting accuracy, efficiency, agency autonomy, and judicial economy."

Christopher W. v. Portsmouth Sch. Comm., 877 F.2d 1089, 1094 (1st Cir. 1989), citing, McKart v. United States, 395 U.S. 185, 194 (1969). Failure to exhaust administrative remedies is an affirmative defense that deprives the court of subject matter jurisdiction over the Plaintiff's claims. Perez v. Wisconsin Dep't of Corr., 182 F.3d 532, 535 (7th Cir. 1999), accord, Medina-Claudio v. Rodriguez-Mateo, 292 F.3d 31, 36 (1st Cir.

⁴ The definition of actions relating to civil confinement is defined as an "action with respect to the conditions of confinement" or a claim arising from the "effects of actions by government officials on the lives of persons confined in prison". 18 U.S.C. § 3626(g)(2). Complaints of abuse or neglect by prison officials generally fall into the second definition. See Smith v. Zachary, 255 F.3d 446, 449 (7th Cir. 2001).

2002); see also Kane v. Winn, 319 F.Supp.2d 162, 224 (D. Mass. 2004) (dismissing plaintiff's claims for which he failed to exhaust administrative remedies).

After a review of all the administrative remedies that Plaintiff filed, the computerized indices reflect that Plaintiff has only exhausted his administrative remedies with respect to his claim that the BOP lacks authority to confine him. See Declaration of Ann. H. Zgrodnik "Zgrodnik Decl." 1, ¶ 8; see also Ex. 1(a),(h),(i),(n),(o),(p),(q).⁵ Plaintiff failed to exhaust administrative remedies for all other claims. See Zgrodnik Decl. 1, ¶¶ 7-9. Therefore, the Court should dismiss these claims for lack of jurisdiction.

B. The Court Should Dismiss Plaintiff's Challenge To His Commitment Pursuant To 18 U.S.C. § 4243 Because Such A Challenge Should Be Filed In The District Where He Was Originally Committed.

Plaintiff's challenge to his commitment by the BOP under the jurisdiction of 18 U.S.C. § 4243 is improper because such a complaint must be filed in the District in which Plaintiff was originally committed. In Archuleta v. Hedrick, 365 F.3d 644, 649 (8th Cir. 2004), the Eighth Circuit reaffirmed that

⁵ The attachment of an affidavit and other exhibits to a Rule 12(b)(1) motion does not convert it to a Rule 56 motion. See Gonzalez v. United States, 284 F.3d 281, 288 (1st Cir. 2002). Indeed, in considering a Rule 12(b)(1) motion, "[t]he court . . . may consider extrinsic materials, and, to the extent it engages in jurisdictional factfinding, is free to test the truthfulness of the plaintiff's allegations." Dynamic Image Technologies, Inc. v. United States, 221 F.3d 34, 37-38 (1st Cir. 2000).

challenges to the continued basis for a mental health commitment require that an inmate subject to a commitment first pursue relief from the judicial district in which the commitment was ordered. See 18 U.S.C. § 4247(h). On September 24, 1986, the United States District Court for the Northern District of California issued an order committing plaintiff to the custody of the Attorney General in accordance with the provisions of 18 U.S.C. § 4243. See Ex. 1(b). To date, plaintiff remains in the custody of the Attorney General pursuant to 18 U.S.C. § 4243 and is currently incarcerated at FMC Devens. However, because the Northern District of California ordered his original commitment, Plaintiff's challenge to his § 4243 commitment should be dismissed from this Court and he should re-file his challenge in the United States District Court for the Northern District of California.

C. The Court Should Dismiss Plaintiff's Case Pursuant to the Three Strikes Provision Of The Prison Litigation Reform Act.

The PLRA limits *in forma pauperis* proceedings in the federal courts. The provision reads:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Accordingly, the federal courts may no longer entertain an *in forma pauperis* suit if the prisoner previously has brought three or more actions that the federal courts dismissed for failure to state a claim, or for being frivolous or malicious. Several circuit courts interpreting this section have held that the Three Strikes provision of the PLRA may be applied retroactively. See e.g., Wilson v. Yaklich, 148 F.3d 596 (6th Cir. 1998); Tierney v. Kupers, 128 F.3d 1310 (9th Cir. 1997); Keener v. Pennsylvania Bd. of Probation and Parole, 128 F.3d 143 (3rd Cir. 1997); Adepeqba v. Hammons, 103 F.3d 383 (5th Cir. 1996); Abdul-Wadood v. Nathan, 91 F.3d 1023 (7th Cir. 1996); Green v. Nottingham, 90 F.3d 415, 418 (10th Cir. 1996). Furthermore, when the district court dismisses a case as frivolous and the prisoner appeals, the prisoner may receive two strikes if the circuit court affirms the district court's findings. See Moore v. Pemberton, 110 F.3d 22, 24 (7th Cir. 1997).

In this case, the government requests that the Court take judicial notice that the Plaintiff has filed a voluminous number civil actions while incarcerated, several of which were ultimately dismissed for being frivolous. Indeed, in Phelps v. Ashcroft, et. al., 79 Fed. Appx. 606, 2003 W.L. 22462704 (4th Cir. 2003), the Fourth Circuit affirmed the district court's order dismissing Plaintiff's complaint asserting Bivens claims as frivolous. See Ex. 2. In Phelps v. Beeler, 2002 W.L. 32395568 (E.D.N.C. 2002),

the district court dismissed as frivolous a claim by Plaintiff requesting a procedure to allow involuntarily committed inmates to commit suicide. See Ex. 3. The District Court's decision in Beeler was affirmed by the Fourth Circuit. See Phelps v. Beeler, 51 Fed. Appx. 481, 2002 W.L. 31720621 (4th Cir. 2002); Ex. 4. Finally, in Phelps v. Ashcroft, et. al., 2003 W.L. 2387318 (E.D.N.C. 2003), the District Court dismissed another Bivens claim filed by Plaintiff challenging the constitutionality of his confinement for being frivolous. See Ex. 5.

As the court records reveal, Plaintiff has more than the three requisite civil actions dismissed as frivolous or for failure to state a claim. Accordingly, this Court should take judicial notice of the Plaintiff's prior civil actions and subsequent dismissals, and should determine that the plaintiff is barred from proceeding *in forma pauperis* in this and all future cases.

II. PLAINTIFF FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED

A. The Court Should Dismiss Plaintiff's Claims Against Defendants Harvey And Thompson As They Are Entitled to Absolute Immunity Due To Their Status As Public Health Services Employees

The Court should dismiss Plaintiff's claims against Defendants Harvey and Thompson as Defendants because they are Public Health Service ("PHS") employees and therefore, have absolute immunity from suit. See Ex. 6 at ¶ 2; Ex. 7 at ¶ 2. PHS employees enjoy absolute immunity from certain medical

misconduct claims as long as their alleged improper behavior occurred within the scope of their duties and during the course of their performance of medical or related functions. See Brown v. McElroy, 160 F.Supp.2d 699, 703 (S.D.N.Y. 2001); see also Cuoco v. Moriqitsu, 22 F.3d 99, 107-08 (2nd Cir. 2000); Teresa T. v. Ragaglia, 154 F.Supp.2d 290, 298 (D.Conn. 2001). The Federal Torts Claim Act ("FTCA") is the exclusive remedy for specified actions against PHS members.⁶ See 42 U.S.C. § 233(a).

Accordingly, the United States must be substituted as the defendant in the PHS staff members' place. Teresa T., 154 F.Supp. at 300. As Defendants Harvey and Thompson are entitled to absolute immunity because of their status as a PHS employees, the court should dismiss the complaints against Defendants Harvey and Thompson and any actions allegedly attributed to them.

B. The Court Should Dismiss Plaintiff's Claims Against Winn, Bollinger, Dold, Thompson and Harvey Because Respondeat Superior Does Not Apply In Bivens Actions.

It is well established that supervisors cannot be held

⁶ The FTCA, 28 U.S.C. § 2675(a) provides that "[a]n action shall not be instituted upon a claim against the United States for money damages for injury ... unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing" "[B]ecause the FTCA constitutes a waiver of sovereign immunity, the procedures set forth in §2675 must be adhered to strictly." Keene Corp. v. United States, 700 F.2d 836, 841 (2nd Cir. 1983). "Thus failure to file claims for tort damages with the appropriate agency precludes this court from exercising jurisdiction over those claims." Setlech v. United States, 816 F.Supp. 161, 165 (E.D.N.Y. 1993).

liable in a Bivens claim on the sole basis of their supervision of others. See e.g., Gutierrez-Rodriguez v. Cartagena, 882 F.2d 553, 562 (1st Cir. 1989), accord, McKay v. Hammock, 730 F.2d 1367, 1374 (10th Cir. 1984); Martin v. Malhoyt, 830 F.2d 237, 257 (D.C. Cir. 1987). The general responsibility of a warden for supervising the operation of a prison is not sufficient to establish personal liability. Estate of Rosenberg v. Crandell, 56 F.3d 35, 37 (8th Cir. 1987). A bare allegation that someone in supervisory authority has been deliberately indifferent, without any specification of that person's contact in fact with the plaintiff nor even an explicit charge of inadequate training or supervision of subordinates, is not sufficient to state a Bivens claim. Id. at 38. Plaintiff must show some "causal connection" between the defendant's conduct and the claimed violation of constitutional rights. Behre v. Thomas, 665 F. Supp. 89 (D.N.H. 1987), aff'd, Behre v. United States, 843 F.2d 1385 (1st Cir. 1988).

Plaintiff does not identify any direct involvement by Defendants Winn, Bollinger, Dold, Thompson, and Harvey in the alleged violations nor does he establish a "causal connection" between them and the claimed violation of his constitutional rights. See Plaintiff's Complaint 18-19. Rather, Plaintiff merely names them in the Complaint in their respective capacities. Id. at 18-19. Therefore, the Court should dismiss

the claims against Defendant's Winn, Dold, Thompson and Harvey because failure to connect these defendants to the alleged constitutional violations is not sufficient to maintain a Bivens action. Behre, 843 F.2d at 94

C. If The Courts Decide To Allow Plaintiff To Proceed With His Claims, The Court Should Require Defendant To Submit A More Definite Statement Of His Claims Against Defendants.

To the extent that the Court finds that Plaintiff's claims may proceed against the Defendants in their individual capacities, Defendants require, and therefore (in the alternative) have moved for, pursuant to Fed. R. Civ. 12(e), a more definite statement that includes specific "non-conclusory factual allegations," Crawford-El v. Britton, 523 U.S. 574, 598 (1998), regarding their conduct so that they can then move to dismiss based on the doctrine of qualified (or absolute) immunity and address each of Plaintiff's alleged claims of constitutional violations. See Anderson v. Creighton, 483 U.S. 635, 639 (1987); Fabiano v. Hopkins, 352 F.3d 447, 457 (1st Cir. 2003).

CONCLUSION

Accordingly, for the above reasons articulated above, the Complaint should be dismissed.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Damian W. Wilmot

DAMIAN W. WILMOT
Assistant U.S. Attorney
Moakley Federal Courthouse
Boston, MA 02210
(617) 748-3100

Dated: July 14, 2005

CERTIFICATION UNDER L.R. 7.1

Because Petitioner is a pro se prisoner currently being treated in a federal medical facility, counsel for the United States respectfully requests leave to file this Motion without a 7.1 conference. It is the undersigned's position that because the Petitioner is *pro se* a 7.1 conference is unnecessary, as that Rule pertains to "counsel."

/s/ Damian W. Wilmot
DAMIAN W. WILMOT
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I certify that on July 14, 2005, I caused a copy of the foregoing Memorandum to be served on Petitioner by first class mail, postage pre-paid to Coy Phelps (78872-011), FMC-Devens, 42 Patton Road, P.O. Box 879, Ayer, MA 01432.

/s/ Damian W. Wilmot
DAMIAN W. WILMOT
Assistant U.S. Attorney

EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

COY PHELPS,)
PLAINTIFF,)
)
)
) Civ. Action No. 005-CV-40003
v.)
)
DAVID WINN, ET. AL.,)
DEFENDANTS.)
)

DECLARATION OF ANN H. ZGRODNIK

I, Ann H. Zgrodnik, hereby make the following declaration:

1. I am employed by the United States Department of Justice, Federal Bureau of Prisons as an Attorney Advisor at the Federal Medical Center (FMC) located in Devens, Massachusetts. I have been employed with the Federal Bureau of Prisons since February, 2002.
2. In order to perform my official duties as an Attorney Advisor, I have access to BOP records and databases regarding federal prisoners including, but not limited to, documentary records, inmate Judgment and Commitment files, and computerized records maintained on the Bureau of Prisons computerized data base.
3. It has come to my attention that Coy Phelps, Register Number 78872-011, a federal inmate incarcerated in the Federal Medical Center (FMC), Devens, Massachusetts, has filed a civil action alleging staff violated his constitutional rights while he has been incarcerated at the FMC Devens.
4. In order to exhaust all process under the Administrative Remedy Procedure for Inmates, an inmate must first attempt to informally resolve the dispute with institution staff. 28 C.F.R. § 542.13. If informal resolution efforts fail, the inmate may raise his or her complaint to the Warden of the institution in which he or she is confined, within 20 calendar days of the date that the basis of the complaint occurred. 28 C.F.R. §§ 542.13, 542.14. If the Warden denies the administrative remedy request, the inmate may file an appeal with the Regional Director within 20 calendar days of the date of the Warden's response. 28 C.F.R. §§ 542.14, 542.15. If the Regional Director denies the appeal, the inmate may appeal that decision to the General Counsel of the Federal Bureau of Prisons within 30 calendar days from the date of the Regional Director's response. See 28 C.F.R. §§ 542.14 and 542.15. The administrative remedy process is not considered to be "exhausted" until an inmate's

final appeal is denied by the Bureau of Prisons General Counsel.

5. In the ordinary course of business, computerized indexes of all administrative appeals filed by inmates are maintained in the Bureau of Prisons' computerized database so that rapid verification may be made as to whether an inmate has exhausted the administrative remedy process on a particular issue.
6. On or about June 27, 2005, in connection with the above-captioned civil action, I accessed the computerized indexes of all administrative remedies filed by inmate Coy Phelps, Register Number 78872-011, to determine whether he had attempted to exhaust the highest level of administrative appeal on the issues raised in this case.
7. Following a search of the indexes of all administrative remedies filed by inmate Phelps, it was determined that he had failed to fully exhaust his administrative remedies regarding the following claims:

1. Case Number 366680-F1- Incident Report Number 1306372:

On or about February 4, 2005, Plaintiff submitted a Request for Administrative Remedy with the Warden at FMC Devens requesting that incident report number 1306372 be expunged. See Document h, Request for Administrative Remedy, Case Number 366680-F1, and Response. Plaintiff alleges that staff failed to meet certain policy requirements. Id.

In a response dated August 5, 2004, the Warden denied Plaintiff's request stating that the evidence revealed that on January 28, 2005, Plaintiff failed to appear for a call our scheduled for 9:30 a.m. with the Psychologist. See Document h. He was also informed that staff attempted to escort him to the appointment but he became belligerent and refused to see the Psychologist. Id. He was also advised that staff found that he was competent to be held responsible for his behavior and all policy related issues concerning incident report number 1306372. Id. Therefore, it was explained to Plaintiff that the UDC was justified in concluding that he committed a prohibited act as charged and sanctioned him to 20 days loss of commissary, suspend 20 days pending 180 days good conduct. Id. It was determined that the sanction was within the bounds of policy and that the UDC substantially complied with the regulations pertaining to inmate discipline. Id.

On or about April 7, 2005, Plaintiff submitted a Regional Administrative Remedy Appeal. See Document i, Regional Administrative Remedy Appeal, Case Number 366680-R1, and Response. Plaintiff claimed that staff violated BOP policy as competency exams must be done before disciplinary segregation not after. Id.

In a response dated May 12, 2005, Plaintiff's appeal was denied. See Document i. The Regional Director explained that in accordance with 18 C.F.R. section 541.10, if it

appears at any stage of the disciplinary process that an inmate is mentally ill, staff shall refer the inmate to a mental health professional for determination of whether the inmate is responsible for his conduct or is incompetent. Id. It was explained to Plaintiff that the record in this case reflects substantial compliance with Program Statement 5270.07, Inmate Discipline, and that the decision was based on the greater weight of evidence and the sanction imposed was consistent with the severity level of the prohibited act. Id.

On or about June 1, 2005, Plaintiff submitted a Central Office Administrative Remedy Appeal to the National Inmate Appeals Administrator challenging the Regional Director's response. See Document j, Administrative Remedy Generalized Retrieval Screen, Case Remedy Number 366680-A1. Records indicate that a response is not due until July 11, 2005. Id. Thus, Plaintiff has not exhausted his administrative remedies with respect to this incident report since a response has not been issued.

2. Case Number 373314-Denied Access To Court By Refusing To Send Filing Fee:

On or about March 29, 2005, Petitioner submitted a Request for Administrative Remedy with the Warden at FMC Devens alleging he has been denied access to the court by refusing to send the money to the Court to pay for his filing fee. See Document k, Request for Administrative Remedy, Case Number 373314-F1, and Response.

In a response dated June 29, 2005, the Warden denied Plaintiff's request stating that the Court made an error and did not credit his account for the filing fee concerning Civil Action No. 05-40003. See Document 1k. Plaintiff was informed that Financial Management contacted the Court and the money has been credited towards his filing fee on February 8, 2005. Id. Plaintiff was informed that if he is dissatisfied with this response he has 20 days to appeal his decision to the Northeast Regional Director. Id. Since Plaintiff has not submitted an appeal with the Northeast Regional Director or Central Office, he has not exhausted his administrative remedies with respect to this issue.

8. Following a search of the indexes of all administrative remedies filed by inmate Phelps, it was determined that Plaintiff is deemed to have fully exhausted the following administrative remedy through the administrative remedy process.

1. Case Number 269429- BOP Lacks Authority to Confine Plaintiff

On or about May 30, 2002, Plaintiff submitted a request for Administrative Remedy with the Warden at FMC Butner alleging that the BOP does not have the authority to detain him. See Document l, Request for Administrative Remedy, Case Number 269429-F1, and Response. In a response dated June 17, 2002, the Warden denied Plaintiff's request stating that his Judgement and Commitment file revealed a certified copy of an "Order

Remanding Defendant to Suitable Bureau of Prisons' Medical Facility for Re-evaluation/Certifying Release Conditions if Appropriate 18 U.S.C. §4243(F), dated December 12, 2001." Id. Based on this order, it was determined that the BOP has proper authority to detain Plaintiff.

On or about June 26, 2002, Plaintiff submitted a Regional Administrative Appeal challenging the Warden's decision. See Document m, Regional Administrative Remedy Appeal, Case Number 269429-R1, and Response. Plaintiff alleges that he is unlawfully detained at FMC Butner. Id. Plaintiff's appeal was denied by the Regional Director on July 24, 2002. It was explained to Plaintiff that his conditional release was revoked and he was committed to a suitable Bureau of Prisons facility for hospitalization and treatment under 18 U.S.C. §4243 (f). It was determined that he was appropriately housed at FMC Butner. Id.

On or about July 28, 2002, Plaintiff submitted a Central Office Administrative Remedy Appeal to the National Inmate Appeals Administrator challenging the Regional Director's response. See Document n, Central Office Administrative Remedy Appeal, Case Number 269429-A1, and Response. In a response dated September 26, 2002, the National Inmate Appeals Administrator denied Plaintiff's Central Office Administrative Remedy Appeal. Plaintiff was informed that he was committed to the BOP custody on March 6, 2002, pursuant to 18 U.S.C. §4243. Id. It was explained to Plaintiff that his concerns regarding his commitment order should be submitted to the U.S. District Court for the Northern District of California.

9. Following a search of the administrative remedy indexes it was also determined that Plaintiff had not fully exhausted his available administrative remedies on the following issues raised in this case:

1. Defendant Winn established rules contrary to BOP policy;
2. Defendants Bollinger, Dold, Thompson, and Harvey failed to properly train and supervise their subordinates;
3. Defendant Haas departed from his profession in rubber stamping his diagnosis.
4. Defendant Fletcher threatened to put plaintiff in disciplinary segregation;
5. Defendant Davis screamed and yelled at Plaintiff in a threatening, hostile, and menacing manner;
6. Defendant Potolicchio assaulted plaintiff, made false charges against him and made a fraudulent incident report;
7. Defendant Blazon conspired to make false charges;
8. Defendant Leonard refused to assist him in obtaining a single room;
9. Defendants denied him meaningful access to courts by denying him use of law library and retaliating against him for an incident report that was expunged;
10. Denied access to Court by refusing to send filing fees;
11. Incident Report Number 1306372;

12. Denied possession of bible lessons;
13. Transferred to Devens in violation of Federal laws;
14. Defendant Winn refused to respond to Freedom of Information Act request.

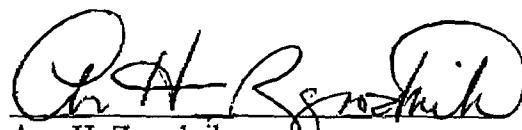
10. A true and accurate copy of the Administrative Remedy Generalized Retrieval screen for inmate Phelps is attached as **Document o**.

11. Attached hereto, please find true and correct copies of the following documents:

- a. Public Information Data Sheet for Inmate Coy Phelps, Register Number 78872-011;
- b. Commitment Order Under 18 U.S.C. §4243(e), dated September 24, 1986;
- c. Order dated July 20, 1988;
- d. Order of Release dated January 11, 1999;
- e. Conditions of Release Pursuant to 18 U.S.C. §4243(f), dated January 4, 1999;
- f. Order Remanding Defendant to Suitable Facility, dated December 12, 2001;
- g. Order Remanding Defendant to Suitable Facility Pursuant to 18 U.S.C. §4243(f), dated April 17, 2002;
- h. Request for Administrative Remedy, Case Number 366680-F1, and Response;
- i. Regional Administrative Appeal, Case Number 366680-R1, and Response;
- j. Administrative Remedy Generalized Retrieval Screen, Case Remedy Number 366680-A1;
- k. Request for Administrative Remedy, Case Number 373314-F1, and Response;
- l. Request for Administrative Remedy, Case Number 269429-F1, and Response;
- m. Regional Administrative Remedy Appeal, Case Number 269429-R1, and Response;
- n. Central Office Administrative Remedy Appeal, Case Number 269429-A1, and Response;
- o. Administrative Remedy Generalized Retrieval Screen, Coy Phelps, Register Number 78872-011.

I declare the foregoing is true and correct to the best of my knowledge and belief, and given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 13th day of July, 2005.



Ann H. Zgrodnik
Attorney Advisor
Federal Medical Center
Devens, Massachusetts

EXHIBIT 1A

AS OF 06-29-2005

REGNO..: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 030 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE..: 978-796-1000 FAX: 978-796-1118
RACE/SEX...: WHITE / MALE
FBI NUMBER.: 237266D DOB/AGE....: 12-30-1933 / 71
PROJ REL MT: HOSP/TREATMENT COMPLETED PAR ELIG DT:
PROJ REL DT: HOSTRT CMP PAR HEAR DT:

----- ADMIT/RELEASE HISTORY -----

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
DEV	A-DES	DESIGNATED, AT ASSIGNED FACIL	11-18-2004 1046	CURRENT
6-N	RELEASE	RELEASED FROM IN-TRANSIT FACL	11-18-2004 1046	11-18-2004 1046
6-N	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	11-18-2004 0715	11-18-2004 1046
BUH	TRANSFER	TRANSFER	11-18-2004 0715	11-18-2004 0715
BUH	A-DES	DESIGNATED, AT ASSIGNED FACIL	06-01-2004 1112	11-18-2004 0715
BUH	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	06-01-2004 0548	06-01-2004 1112
BUH	A-DES	DESIGNATED, AT ASSIGNED FACIL	03-06-2002 1200	06-01-2004 0548
A01	RELEASE	RELEASED FROM IN-TRANSIT FACL	03-06-2002 1200	03-06-2002 1200

G0002 MORE PAGES TO FOLLOW . . .

REGNO..: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 030 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE..: 978-796-1000 FAX: 978-796-1118

A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	03-06-2002	0657	03-06-2002	1200
ATL	HLD REMOVE	HOLDOVER REMOVED	03-06-2002	0657	03-06-2002	0657
ATL	A-PRE	PRE-SENT ADMIT, ADULT	02-25-2002	1932	03-06-2002	0657
A01	RELEASE	RELEASED FROM IN-TRANSIT FACL	02-25-2002	1932	02-25-2002	1932
A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	02-25-2002	0945	02-25-2002	1932
OKL	HLD REMOVE	HOLDOVER REMOVED	02-25-2002	0845	02-25-2002	0845
OKL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	02-22-2002	1830	02-25-2002	0845
6-K	RELEASE	RELEASED FROM IN-TRANSIT FACL	02-22-2002	1930	02-22-2002	1930
6-K	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	02-08-2002	1851	02-22-2002	1930
OKL	HLD REMOVE	HOLDOVER REMOVED	02-08-2002	1751	02-08-2002	1751
OKL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	02-08-2002	1750	02-08-2002	1751
2-F	RELEASE	RELEASED FROM IN-TRANSIT FACL	02-08-2002	1850	02-08-2002	1850
2-F	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	01-17-2002	1718	02-08-2002	1850

G0002

MORE PAGES TO FOLLOW . . .

REGNO..: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 030 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE..: 978-796-1000 FAX: 978-796-1118
THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: HOSTRT CMP

-----CURRENT JUDGMENT/WARRANT NO: 030 -----

COURT OF JURISDICTION.....: CALIFORNIA, NORTHERN DISTRICT
DOCKET NUMBER.....: CR-85-00899-MHP
JUDGE.....: PATEL
DATE SENTENCED/PROBATION IMPOSED: 12-12-2001
DATE WARRANT ISSUED.....: N/A
DATE WARRANT EXECUTED.....: N/A
DATE COMMITTED.....: 03-06-2002
HOW COMMITTED.....: REVOCATION OF COND DISCHARGE
PROBATION IMPOSED.....: NO

G0002 MORE PAGES TO FOLLOW . . .

REGNO..: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 030 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE..: 978-796-1000 FAX: 978-796-1118
SPECIAL PAROLE TERM.....:

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 123
OFF/CHG: BOMBING OF BUILDING

SENTENCE PROCEDURE.....: 4243 HOSPITALIZATION AND TREATMENT
SENTENCE IMPOSED/TIME TO SERVE.: NOT APPLICABLE
DATE OF OFFENSE.....: 09-20-1985

G0002 MORE PAGES TO FOLLOW . . .

REGNO..: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 030 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE..: 978-796-1000 FAX: 978-796-1118

-----CURRENT COMPUTATION NO: 030 -----

COMPUTATION 030 WAS LAST UPDATED ON 03-11-2002 AT BUH MANUALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 030: 030 010

DATE COMPUTATION BEGAN.....: 12-12-2001
TOTAL TERM IN EFFECT.....: NOT APPLICABLE
EARLIEST DATE OF OFFENSE.....: 09-20-1985

TOTAL JAIL CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 030 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE..: 978-796-1000 FAX: 978-796-1118

STATUTORY GOOD TIME RATE.....: 0
TOTAL SGT POSSIBLE.....: 0
TOTAL GCT EARNED AND PROJECTED.: 0
TOTAL GCT EARNED.....: 0
PAROLE ELIGIBILITY.....: UNKNOWN
STATUTORY RELEASE DATE.....: N/A
TWO THIRDS DATE.....: UNKNOWN
180 DAY DATE.....: UNKNOWN
SIX MONTH /10% DATE.....: N/A
EXPIRATION FULL TERM DATE.....: UNKNOWN

NEXT PAROLE HEARING DATE.....: UNKNOWN
TYPE OF HEARING.....: UNKNOWN

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 030 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 978-796-1000 FAX: 978-796-1118
PROJECTED SATISFACTION DATE.....: N/A
PROJECTED SATISFACTION METHOD...: HOSTRT CMP

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 020 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.
THE INMATE WAS SCHEDULED FOR RELEASE: 01-11-1999 VIA STDY CMPLT

-----PRIOR JUDGMENT/WARRANT NO: 020 -----

COURT OF JURISDICTION.....: CALIFORNIA, NORTHERN DISTRICT
DOCKET NUMBER.....: CR-85-0899 RFP
JUDGE.....: PECKHAM
DATE SENTENCED/PROBATION IMPOSED: 07-20-1988
DATE WARRANT ISSUED.....: N/A
DATE WARRANT EXECUTED.....: N/A
DATE COMMITTED.....: 07-21-1988
HOW COMMITTED.....: 4243/46 HOSPITAL/TREATMENT
PROBATION IMPOSED.....: NO

G0002 MORE PAGES TO FOLLOW . . .

REGNO..: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 020 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE..: 978-796-1000 FAX: 978-796-1118
SPECIAL PAROLE TERM.....:

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----PRIOR OBLIGATION NO: 020 -----

OFFENSE CODE....: 123
OFF/CHG: BOMBING OF BUILDING

SENTENCE PROCEDURE.....: 4243 HOSPITALIZATION AND TREATMENT
SENTENCE IMPOSED/TIME TO SERVE.: 10 YEARS 5 MONTHS 23 DAYS
DATE OF OFFENSE.....: 09-20-1985

G0002 MORE PAGES TO FOLLOW . . .

AS OF 01-11-1999

REGNO...: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 020 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 978-796-1000 FAX: 978-796-1118

-----PRIOR COMPUTATION NO: 020 -----

COMPUTATION 020 WAS LAST UPDATED ON 01-21-1999 AT BUT AUTOMATICALLY
THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
PRIOR COMPUTATION 020: 020 020

DATE COMPUTATION BEGAN.....: 07-20-1988
TOTAL TERM IN EFFECT.....: 10 YEARS 5 MONTHS 23 DAYS
TOTAL TERM IN EFFECT CONVERTED..: 10 YEARS 5 MONTHS 23 DAYS
EARLIEST DATE OF OFFENSE.....: 09-20-1985

TOTAL JAIL CREDIT TIME.....: 0

G0002 MORE PAGES TO FOLLOW . . .

REGNO..: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 020 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE..: 978-796-1000 FAX: 978-796-1118

TOTAL INOPERATIVE TIME.....: 0
STATUTORY GOOD TIME RATE....: 0
TOTAL SGT POSSIBLE.....: 0
TOTAL GCT EARNED AND PROJECTED.: 0
TOTAL GCT EARNED.....: 0
PAROLE ELIGIBILITY.....: N/A
STATUTORY RELEASE DATE.....: N/A
TWO THIRDS DATE.....: N/A
180 DAY DATE.....: N/A
SIX MONTH /10% DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 01-11-1999

NEXT PAROLE HEARING DATE.....: N/A
TYPE OF HEARING.....: NOT ELIGIBLE

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 020 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 978-796-1000 FAX: 978-796-1118

ACTUAL SATISFACTION DATE.....: 01-11-1999
ACTUAL SATISFACTION METHOD....: STDY CMPLT
ACTUAL SATISFACTION FACILITY....: BUT
ACTUAL SATISFACTION KEYED BY....: THC

DAY'S REMAINING.....: 0
FINAL PUBLIC LAW DAY'S.....: 0

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.
THE INMATE WAS SCHEDULED FOR RELEASE: 06-01-1988 VIA STDY CMPLT

-----PRIOR JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: CALIFORNIA, NORTHERN DISTRICT
DOCKET NUMBER.....: 85-0899-RFP
JUDGE.....: PECKHAM
DATE SENTENCED/PROBATION IMPOSED: 09-24-1986
DATE WARRANT ISSUED.....: N/A
DATE WARRANT EXECUTED.....: N/A
DATE COMMITTED.....: 04-09-1987
HOW COMMITTED.....: 4243/46 HOSPITAL/TREATMENT
PROBATION IMPOSED.....: NO

G0002 MORE PAGES TO FOLLOW . . .

AS OF 06-01-1988

REGNO..: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE..: 978-796-1000 FAX: 978-796-1118
SPECIAL PAROLE TERM.....:

RESTITUTION....: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 123

OFF/CHG: BOMBING OF BUILDING TITLE 18 SEC 4243(E)

SENTENCE PROCEDURE.....: 4243 HOSPITALIZATION AND TREATMENT
SENTENCE IMPOSED/TIME TO SERVE.: NOT APPLICABLE

G0002 MORE PAGES TO FOLLOW . . .

REGNO..: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE..: 978-796-1000 FAX: 978-796-1118

-----PRIOR COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 04-14-1987 AT SPG MANUALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
PRIOR COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 09-24-1986
TOTAL TERM IN EFFECT.....: NOT APPLICABLE

TOTAL JAIL CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
STATUTORY GOOD TIME RATE.....: 0

G0002 MORE PAGES TO FOLLOW . . .

REGNO..: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 010 ALL Curr COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE..: 978-796-1000 FAX: 978-796-1118

TOTAL SGT POSSIBLE.....: 0

TOTAL GCT EARNED.....: 0

PAROLE ELIGIBILITY.....: UNKNOWN

STATUTORY RELEASE DATE.....: N/A

TWO THIRDS DATE.....: UNKNOWN

180 DAY DATE.....: UNKNOWN

SIX MONTH /10% DATE.....: UNKNOWN

EXPIRATION FULL TERM DATE.....: UNKNOWN

NEXT PAROLE HEARING DATE.....: N/A

TYPE OF HEARING.....: NOT ELIGIBLE

ACTUAL SATISFACTION DATE.....: 06-01-1988

ACTUAL SATISFACTION METHOD.....: STDY CMPLT

G0002 MORE PAGES TO FOLLOW . . .

REGNO...: 78872-011 NAME: PHELPS, COY RAY
COMP NO: 010 ALL CURR COMPS(Y/N): Y ALL PRIOR COMPS(Y/N): Y
FUNC...: DIS RESP OF: DEV / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 978-796-1000 FAX: 978-796-1118
ACTUAL SATISFACTION FACILITY....: SPG
ACTUAL SATISFACTION KEYED BY....: KLM

DAYS REMAINING.....: 0
FINAL PUBLIC LAW DAYS.....: 0

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

EXHIBIT 1B

RECEIVED 11/24/86

FILED

SEP 24 11 29 AM '86

DOCT 2 P 24 28

NORTHERN DISTRICT OF CALIFORNIA

CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
I hereby certify that the instrument
instrument is a true and correct copy
of the original on file in my office.
ATTEST:
WILLIAM L. WHITAKER
Clerk, U.S. District Court
Northern District of California

By *Franklin Sutton*
Deputy Clerk
Date *10/2/86*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 v.)
13 COY RAY PHELPS,)
14 Defendant.)
15

Criminal No.: 85-0899-RFP
COMMITMENT ORDER UNDER
18 U.S.C. § 4243(e)

On September 17, 1986, this court held a hearing
pursuant to the provisions of 18 U.S.C. §§ 4243 and 4247. Based
on the testimony and evidence presented at the hearing, as well
as the trial record in this case, the court hereby finds as
follows:

(1) The defendant has failed to meet his burden of
proving by clear and convincing evidence that his release would
not create a substantial risk of bodily injury to another person
or serious damage of property of another due to a present mental
disease or defect;

(2) The defendant has a severe mental disease at the

1 present time;

2 (3) There is clear and convincing evidence that the
 3 defendant's release under any conditions would create a
 4 substantial risk of bodily injury to persons and serious damage
 5 of property of others due to the defendant's present mental
 6 disease;

7 ACCORDINGLY, IT IS HEREBY ORDERED that the defendant,
 8 Coy Ray Phelps, is remanded to the custody of the Attorney
 9 General for commitment in accordance with the provisions of 18
 10 U.S.C. § 4243. The Court further admonishes the Attorney General
 11 that in view of the serious danger posed by Mr. Phelps, that all
 12 efforts be made to commit him to a secure facility to minimize
 13 the risk of escape or other unauthorized release.

14 DATED:

15 September 24, 1986 IT IS SO ORDERED.



16 ROBERT F. PECKHAM
17 U.S. District Judge

RELEASE DATA	
Date & Method	6/1/88 Stay Crm't
SGT	
EGT	
PL	
Bal. Rmg. on Sentence	
Supervision Expires	
Years SPT	SPT Begins
	SPT Expires

EXHIBIT 1C

FILED

JUL 21 9 39 AM '88

CLERK

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

COY RAY PHELPS,

Defendant.

No. ER=85-0899
Medical Center for Federal Prisoners
RECORD OFFICE

JUL 21 1988

RECEIVED
RECORDED

C

On July 13, 1988, this court held a hearing pursuant to the provisions of 18 U.S.C. §§ 4243 and 4247 to determine whether Coy Ray Phelps should be discharged from the United States Medical Center for Federal Prisoners located in Springfield, Missouri. Based on the testimony and evidence presented at the hearing, the court hereby finds as follows:

(1) The defendant has failed to meet his burden of proving by clear and convincing evidence that his discharge would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect;

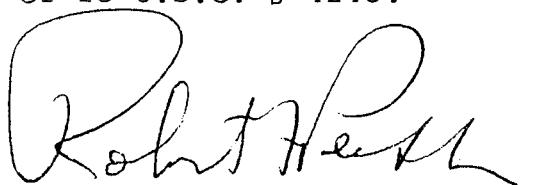
(2) The defendant continues to suffer from a severe mental disease;

(3) There is clear and convincing evidence that the defendant's discharge under any conditions would create a substantial risk of bodily injury to persons and serious

1 damage of property of others due to the defendant's present
2 mental disease.

3 Accordingly, IT IS HEREBY ORDERED, that Coy Ray
4 Phelps remain in the custody of the Attorney General in
5 accordance with the provisions of 18 U.S.C. § 4243.

6 Dated: July 20, 1988



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8 Chief United States District Judge
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Delivered to USMCPP @ Springfield, MO 7-21-1988.


(for USMCPP SP6)

1 CR-85-0899 RFP UNITED STATES OF AMERICA VS. COY RAY PHELPS
2

3 CERTIFICATE OF SERVICE BY MAIL

4 I, the undersigned deputy clerk, declare under penalty
5 of perjury that I served the following document(s) as listed
6 below by enclosing a true copy of said document(s) in a separate
7 postage paid, sealed envelope and to-day placing the said
8 envelope in a regularly maintained United States Postal Service
9 mail depository in the City and County of San Francisco,
10 California, addressed as follows:

11 Joel Levin, Esq.
12 Assistant United States Attorney
13 450 Golden Gate Ave., 16th Floor
14 San Francisco, CA 94102

15 Manton L. Selby, II, Esq.
16 Attorney at Law
17 345 California St., 22nd Floor
18 San Francisco, CA 94104

19 Mr. Glen Robinson
20 United States Marshal
21 450 Golden Gate Ave., 20th Floor
22 San Francisco, CA 94102

23
24
25
26
27
28 1) ORDER THAT MR. COY RAY PHELPS REMAIN IN THE CUSTODY
OF THE ATTORNEY GENERAL IN ACCORDANCE WITH THE PROVISIONS
OF 18 USC 4243

DATE: July 21, 1988



Deputy Clerk

EXHIBIT 1D

FILED

1 UNITED STATES DISTRICT COURT

JAN 11 1999

2 NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

4 UNITED STATES OF AMERICA }
5 Plaintiff, }
6 -vs- }
7 COY RAY PHELPS }
8 Defendant. }
9

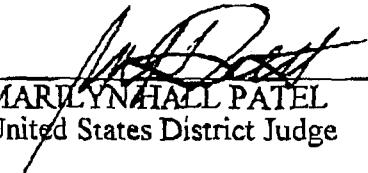
NO. CR-85-0899 MHP

ORDER OF RELEASE

11 IT IS HEREBY ORDERED that the United States Marshals Service shall release on this
12 date, or as soon thereafter as possible, Coy Ray Phelps to the custody of the United States
13 Probation Service.

15 IT IS SO ORDERED.

17 DATED: Jan. 11, 1999


18 MARLYN HALL PATEL
19 United States District Judge

20 VERIFIED Lori Murray, Deputy Clerk
21 AGENCY Disctr. Court
22 PHONE # 415.522.2000
23 DATE/TIME 1.19.1999 3:01P
ISM STAFF KML Wulcani
24 Legal Instruments Examiner

EXHIBIT 1E

FILED

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAN - 4 1998

RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

99 JAN -5 P2:00

vs.

NORTHERN DISTRICT
OF CALIFORNIA

COY RAY PHELPS

Docket Number: CR85- 0899 MHP

Conditions of Release Pursuant to Title 18, U.S.C. § 4243(f)

Mr. Phelps's term of supervision is for an unspecified term commencing upon release from confinement until notified by this court. He shall report in person to the probation office in the district to which he is released within 72 hours of his release from custody unless prior arrangements have been approved directly between the defendant and the assigned probation officer or designee.

- 1) Mr. Phelps shall reside at Pine Home at 314 W. Pine St., Lodi, California, 95240, telephone number (209) 334-6441. Any change in residence must be pre-approved by his supervising U.S. Probation Officer. This placement is not intended to be a lock-down facility, and the defendant shall be permitted to go about his daily business, to include finding an approved job, and/or going to the library. The probation officer has the authority to restrict the defendant's movements if he does not follow the rules of release.
- 2) Mr. Phelps shall follow all rules at Pine Home, and shall abide by their protocol concerning the use of a payee to monitor his monthly finances. Mr. Phelps shall pay Pine Home the costs of his housing on a monthly basis, as directed by the U.S. Probation Officer.
- 3) Mr. Phelps shall report as directed to the U.S. Probation Officer assigned to his case. Initially he will be assigned to Richard W. Elkins, whose office is located at 9412 Big Horn Boulevard, #1, Elk Grove, California, 95758, telephone number (916) 683-3321 or (916) 683-3324. He will comply with the specific conditions listed herein and the standard conditions of the district of supervision.
- 4) Mr. Phelps shall be restricted from travel without prior approval of the U.S. Probation Officer. With prior approval, the defendant may be allowed to travel within the limits of the Eastern and Northern Districts of California.
- 5) Mr. Phelps shall not incur new credit charges or open lines of credit without the approval of the probation office. He shall provide the probation officer with access to any requested financial information.
- 6) Mr. Phelps shall maintain active participation in any regimen of outpatient mental health care as directed by the U.S. Probation Officer. He will participate in any mental health evaluation directed by the U.S. Probation Officer, in order to determine appropriate treatment plans.

- 7) Mr. Phelps shall take any medications, as prescribed for him by a psychiatrist for the purpose of emergency treatment only. If the treating psychiatrist and/or probation officer believe that use of medication is needed on an ongoing basis, the matter shall immediately be returned to this court.
- 8) Mr. Phelps shall waive his rights to confidentiality regarding his mental health treatment in order to allow sharing of information with the supervising U.S. Probation Officer, who will assist in evaluating his ongoing appropriateness for community placement.
- 9) Mr. Phelps shall abstain from the use of alcohol, illegal narcotic substances or drugs. He may be required to submit to testing for use of alcohol and drugs at the direction of the U.S. Probation Officer. The court notes that the defendant is unable to provide urinalysis tests and approves other means of monitoring drug and alcohol usage.
- 10) As directed by the U.S. Probation Officer, Mr. Phelps shall notify third parties of risk that may be occasioned by his criminal record, and conduct in the instant offense. In addition, any activities or potential contact involving minors must be pre-approved by the probation officer.
- 11) Mr. Phelps shall not possess any firearm, destructive device, or materials used to build a destructive device.
- 12) He shall submit to the search of his person, property and vehicle by a U.S. Probation Officer, or any other authorized person under the immediate and personal supervision of the probation officer, without a search warrant. The defendant shall warn any other residents that the premise may be subject to searches pursuant to this condition.
- 13) It is not the intent of the court to have the defendant committed to a hospital or institution without first consulting the court, unless an emergency occurs whereby the defendant poses an imminent danger to himself or others. Under emergency circumstances, the probation officer has the authority to commence necessary proceedings to ensure the safety of the defendant and/or those around him. If the defendant poses a continual danger, the matter should immediately be brought before the court.
- 13) Annual reports shall be filed by the U.S. Probation Office with the court, with copies to the U.S. Attorney, defense counsel, and the Warden of the medical facility at Springfield, Missouri.

As soon as arrangements can be made, the probation office shall transport the defendant to Pine Home.

Date:

January 4, 1999



UNITED STATES DISTRICT JUDGE

EXHIBIT 1F

FILED

JAN 14 2002

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) NO. CR-85-00899-MHP
Plaintiff,) ORDER REMANDING DEFENDANT TO
v.) SUITABLE BUREAU OF PRISONS' MEDICAL
COY RAY PHELPS,) FACILITY FOR REEVALUATION/CERTIFYING
Defendant.) 18 U.S.C. § 4243(f)

On March 26, 2001, the U. S. Probation Officer filed a Petition for Conditional Release Action requesting that the Court issue a warrant for Mr. Phelps' arrest and that he show cause why his conditional release should not be revoked. The petition was based on probation officer Richard Elkins' report that the defendant had contracted with "1st page.com" to "upload" a CD-ROM for the so-called Nazirite Religion..

On April 30, 2001, Supervising Probation Officer John Storm filed a Memorandum in which he amplified and further explained the basis for requesting that this Court revoke Phelps' conditional release:

1. Mr. Phelps failed to comply with Condition 1 of the original conditions of

UNITED STATES' POST HEARING BRIEF
IN SUPPORT OF MOTION TO REVOKE
CONDITIONAL DISCHARGE PURSUANT TO
18 U.S.C. § 4243(G)

I hereby certify that the annexed instrument is a true and correct copy
of the original conditions of

ATTEST:
RICHARD W. WIEKING
Clerk, U.S. District Court
Northern District of California

RICHARD W. WIEKING
Deputy Clerk
Date: 2/10/02

1 release which directed that he shall not possess any firearm, destructive device , or
 2 materials used to build a destructive device, in that he attempted to obtain a
 3 firearm according to a statement from [a witness]. According to [a witness], on
 4 three occasions since his discharge from the Federal Medical Center, Mr. Phelps
 asked [a witness] to purchase a gun for him, and to rent a storage facility as a
 place to store the gun.

5 2. Mr. Phelps failed to comply with Condition 3 to the original conditions of release
 6 which required him to comply with the standard conditions of the district of
 7 supervision in that he violated Eastern District of California Standard Conditions
 8 3, that "The defendant shall answer truthfully all inquiries by the probation officer
 and follow the instructions of the probation officer", by making false statements
 to U. S. Probation Officer Elkins concerning his relationship to the Nazirite
 Religion, in violation of 18 U.S.C. § 1001 and by violating other federal statutes.¹

9 On August 6 and 7, 2001, the Court held an evidentiary hearing under 18 U.S.C. §
 10 4243(g) to determine whether the defendant had failed to comply with the prescribed treatment
 11 regimen and release conditions, and whether as a result, his continued release would create a
 12 substantial risk of bodily injury to another person or serious damage to property of another.

13 The evidence was uncontradicted at the hearing that the defendant continues to suffer
 14 from a mental disease and/or defect – most likely, paranoid schizophrenia. As a result, he is
 15 extremely dangerous to others. His website represents the expressions of his delusional thinking.
 16 Defendant has acted on his delusional thoughts and/or extreme beliefs in the 1980's as evidenced
 17 by his bombing activities at synagogues and at the Black Studies Department at San Francisco
 18 State University. In his Nazirite website, the defendant encouraged others to kill Jews, Blacks,
 19 FBI agents, police officers, judges and others – similar to the sentiments he expressed in the past
 20 before he planted the bombs that led to this case -- and in the website, he attempted to recruit
 21 others to assist him in carrying out his plans. He lied to his probation officer about his
 22 involvement with the Nazirite organization. He tried to get an acquaintance to purchase a gun for
 23 him on 3 different occasions but was unsuccessful. The probation officer, treating social worker,
 24 and examining psychiatrist all agreed that the current release conditions were inadequate to

25 ¹ The amended petition also charged that Phelps failed to comply with Condition 3 of the
 26 original conditions of release which required him to comply with the standard conditions of the
 27 district of supervision in that he violated Eastern District of California Standard Condition 9, that
 The United States did not introduce any evidence of this violation at the hearing.

1 control the defendant's dangerousness. At a minimum, the psychiatrist, Dr. George Bach-y-Rita,
2 opined that the defendant needs to be hospitalized for a 6-8 month period of time in a locked
3 hospital setting, given modern psychotropic drugs, and then reevaluated before he is once again
4 released into the community. Dr. Bach-y-Rita also explained that even if treated with
5 medication, his condition will not resolve: at most it may stabilize so that he can be adequately
6 controlled to minimize the risk to society to an acceptable level.

7 Following the hearing, the Court directed the Probation Officer to investigate the
8 feasibility of placing Mr. Phelps in a locked community treatment and/or psychiatric facility but
9 no suitable option could be found.² At some point during the last few months, however, while in
10 custody, the defendant has begun to take oral psychotropic medications but has not been
11 thoroughly evaluated to see what if any effect the medication is having and whether there are any
12 suitable conditions that could be fashioned. In addition, the Court is mindful of the defendant's
13 arguments that any release conditions should be "certified by the director of the facility in which
14 he has been committed" in order to comply with the requirements set forth in 18 U.S.C. §
15 4243(f)(2).

16 Therefore, for Good Cause Shown, the Court finds, based on the testimony adduced at the
17 evidentiary hearing, in particular that of psychiatrist Dr. George Bach-y-Rita, that the defendant
18 is dangerous and is suffering from a mental disease and/or defect from which the danger
19 emanates and that the previously imposed release conditions are inadequate to treat the
20 defendant's condition and/or protect the community.

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25 //

26
27 ² See Probation Officer's Report dated December 5, 2001.
28

1 It is Herby Ordered that defendant shall be remanded forthwith to a suitable Bureau of
2 Prisons' facility, preferably the Medical Facility at Butner, so that he can be reevaluated to
3 determine what treatment regimen is appropriate and whether there are any conditions under
4 which the defendant can or should be released as specified in 18 U.S.C. § 4243(f).

5 It is So Ordered.

6
7 DATED: December 12, 2001

8 
9 HON. MARILYN HALL PATEL
Chief, United States District Court Judge

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DEFENDANT DELIVERED ON 3-6-02
TO FMC BUTNER, NORTH CAROLINA

A. F. BEELER
WARDEN
BY: J. H. Ferguson

UNITED STATES' POST HEARING BRIEF
IN SUPPORT OF MOTION TO REVOKE
CONDITIONAL DISCHARGE PURSUANT TO
18 U.S.C. § 4243(G)

awb

United States District Court
for the
Northern District of California
January 15, 2002

* * CERTIFICATE OF SERVICE * *

Case Number: 3:85-cr-00899

USA

vs

Phelps

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 15, 2002, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

George C. Boisseau, Esq.
Fifth Floor
50 Santa Rosa Ave
Santa Rosa, CA 95404

Jeffrey L. Bornstein, Esq.
U.S. Attorney's Office
450 Golden Gate Avenue
P.O. Box 36055
San Francisco, CA 94102

Richard W. Wiegking, Clerk

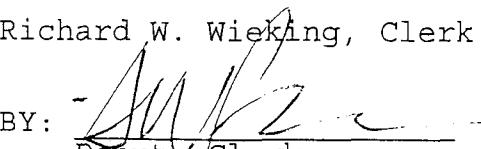
BY: 
Deputy Clerk

EXHIBIT 1G

JUL-15-2004 15:52

P. 24

CF

FILED

APR 17 2002

RICHARD W. WIEGAND
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) NO. CR-85-00899-MHP

Plaintiff,

v.

COY RAY PHELPS,

Defendant

COY RAY PHELPS

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent

NO. C 01-2808 MHP

[PROPOSED] ORDER REMANDING DEFENDANT TO SUITABLE BUREAU OF PRISONS' MEDICAL FACILITY 18 U.S.C. § 4243(f) AND DISMISSING PETITION FILED PURSUANT TO 28 U.S.C. § 2255.

In a published opinion filed March 21, 2002, the Ninth Circuit vacated this Court's previously issued conditional release orders because it determined that Mr. Phelps should never have been released due to the failure of the director of the medical facility in which he was being treated to file the necessary certificate authorizing his release and approving of the release conditions as mandated under 18 U.S.C. § 4243(f). The Ninth Circuit further ordered that this

(PROPOSED) ORDER REMANDING DEFENDANT TO MEDICAL FACILITY 18 U.S.C. § 4243(f) AND DISMISSING § 2255 PETITION

495M

TOTAL P. 24

JUL-15-2004 15:51

1 Court enter an order that Phelps be rehospitalized until and unless new release proceedings are
2 appropriately instituted in compliance with § 4243(f).¹

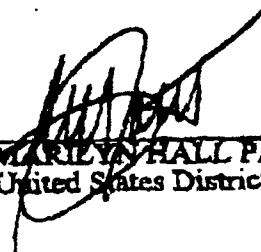
3 THEREFORE, IT IS HEREBY ORDERED that defendant shall be remanded forthwith to a
4 suitable Bureau of Prisons' facility, preferably the Medical Facility at Butner, in accordance with
5 the Mandate of the Ninth Circuit as expressed in its opinion dated March 21, 2002, a copy of
6 which is attached hereto.

7 IT IS FURTHER ORDERED that in light of the Ninth Circuit's decision, defendant's
8 petition filed under 28 U.S.C. § 2255 is dismissed as moot.

9 IT IS SO ORDERED.

10
11 DATED: April 16, 2002

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13 HON. MARILYN HALL PATEL
14 Chief, United States District Court Judge



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24 In a written order dated January 14, 2002, following a multiple day evidentiary
25 hearing and post-hearing arguments, this Court previously ordered that Phelps be rehospitalized
26 based on the testimony adduced at the evidentiary hearing, in particular that of psychiatrist Dr.
27 George Bach-y-Rita, that the defendant was dangerous and that he continued to suffer from a
28 mental disease and/or defect from which the danger emanates and that the previously imposed
release conditions are inadequate to treat the defendant's condition and/or protect the community.
That finding is unaffected by the Ninth Circuit's Decision.

[PROPOSED] ORDER REMANDING DEFENDANT
TO MEDICAL FACILITY 18 U.S.C. § 4243(f) AND
DISMISSING § 2255 PETITION

awb

United States District Court
for the
Northern District of California
April 18, 2002

* * CERTIFICATE OF SERVICE * *

Case Number: 3:85-cr-00899

USA

vs

Phelps

, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

that on April 18, 2002, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

George C. Boisseau, Esq.
Fifth Floor
50 Santa Rosa Ave
Santa Rosa, CA 95404

AB/MHP

Jeffrey L. Bornstein, Esq.
U.S. Attorney's Office
450 Golden Gate Avenue
P.O. Box 36055
San Francisco, CA 94102

Richard W. Wiesling, Clerk

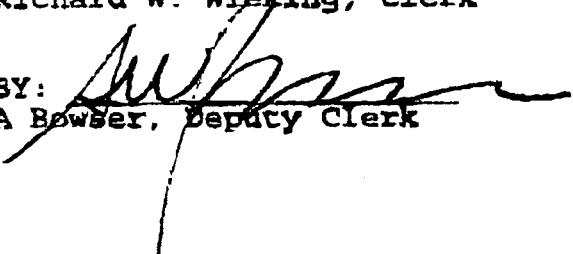
BY: 
A Bowser, Deputy Clerk

EXHIBIT 1H

Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: PHELPS COY R LAST NAME, FIRST, MIDDLE INITIAL REG. NO. 78872-011 UNIT N-4 INSTITUTION FMC-DEVENS

Part A- INMATE REQUEST I AM APPEALING THE DECISION OF THE UOC AT FMC DEVENS MADE ON 2-3-05 REGARDING INCIDENT REPORT # 1306372.

1. I AM A CIVILLY COMMITTED MENTAL PATIENT (NOT A CONVICTED PRISONER) COMMITTED UNDER 18 USC 4243, UNDER BOP RULE 5270.07, CHAP 1, PAGE 2 ¶6, ALL MENTAL PATIENTS MUST BE GIVEN A COMPETENCY EXAM. BEFORE ANY ACTION IS TAKEN, NO EXAM WAS GIVEN (SEE ALSO 28 CFR 541.10)
2. THERE MUST BE 2 OR MORE MEMBERS ON THE UOC (PAGES SECTION B). THERE WAS ONLY ONE.
3. THE UOC HEARING MUST BE HELD WITHIN 72 HOURS (3 WORKING DAYS) (CHAP 2, PAGE 3) UNLESS THERE IS AN EMERGENCY AND IF THERE IS A DELAY - THE INMATE MUST BE NOTIFIED FIRST, THERE WAS NO EMERGENCY - I WAS NOT NOTIFIED OF ANY DELAY - THE COUNSELOR (UOC) WAS 27 HOURS LATE. SEE ALSO CHAPTER 6, PAGE 1, SECTION B AND 28 CFR 541.15 (SEE ALSO SECTION K EXCEPT FOR G)
4. THE COUNSELOR WOULD NOT ALLOW ME TO PRESENT EVIDENCE AS REQUIRED BY SECTION B, CHAP 6.

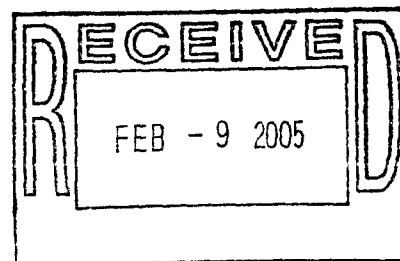
(CONTINUED ON ATTACHED PAGE)

2-04-05

DATE

Coy Phelps 78872-011

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

FIRST COPY: WARDEN'S ADMINISTRATIVE REMEDY FILECASE NUMBER: 366680-F1

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____ LAST NAME, FIRST, MIDDLE INITIAL _____ REG. NO. _____ UNIT _____ INSTITUTION _____
 SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

USP LVN

ATTACHMENT TO BP 9 (INCIDENT REPORT 1306372) FMC-DEVENS

5. THE INCIDENT REPORT IS FRAUDULENT.

(a) ON 1-23-05 AT ABOUT 0745 HOURS THE NURSE ON UNIT N-3 NOTIFIED ME THAT I WAS ON "CALL OUT" BUT THAT I COULD NOT LEAVE THE UNIT (N-3) UNESCORTED AND I MUST WAIT FOR THE DOCTOR TO ESCORT ME, AND THE OTHER INMATES HE HAD SCHEDULED.

(b) AT ABOUT 0915 THE DOCTOR ARRIVED AND ASSEMBLED ALL THE INMATES ON CALL OUT INTO ONE GROUP (THUSLY I ANSWERED THE CALL OUT - THE CALL OUT WAS COMPLETED WHEN THE DR. ARRIVED)

(c) THE DOCTOR NOTIFIED EVERYONE IN THE GROUP THAT THE CALL OUT WAS FOR A THERAPY AND NOT FOR A WORK ASSESSMENT OR A PROGRAM ASSIGNMENT (RULE 306). HE ALSO SAID "YOU DON'T HAVE TO GO IF YOU DON'T WANT TO, IF YOU DON'T WANT TO PARTICIPATE, SIGN THE REFUSAL FORM AND I WON'T PUT YOU ON CALL OUT AGAIN - I WONT BUG YOU ABOUT IT."

(d) I ASK FOR THE FORM TO SIGN. HE SAID I MUST FIRST SUFFER THE TREATMENT BEFORE I COULD REFUSE IT. (YOU HAVE TO GO - STAY THE HOUR - PARTICIPATE - AND THEN SIGN) I REFUSED SINCE HE HAD ALREADY GIVEN ME THE RIGHT TO REFUSE (BUT BOP RULES ALREADY GIVES ME THE RIGHT)

(e) A HOUR LATER HE BROUGHT FORM BP 358(L) AND I SIGNED IT. HE SAID HE WAS COMING TO PUNISH ME FOR SIGNING IT. "LET ME GET THIS STRAIGHT" I SAID, "YOU'RE GOING TO PUNISH ME FOR NOT DOING SOMETHING I AM NOT REQUIRED TO DO." "YES" HE SAID.

(f) BOP RULES 6000 et seq STATES A HEARING MUST BE HELD TO DETERMINE IF A TREATMENT IS APPROPRIATE BEFORE IT CAN BE APPLIED. I WAS NOT GIVEN A HEARING.

6. THE U.S. BUREAU OF PRISONS DOES NOT HAVE LAWFUL CUSTODY OF ME. THERE ARE NO PROVISIONS IN THE LAWS THAT ALLOWS FOR FEDERAL CONFINEMENT.

7. UNDER SUPREME COURT LAW (US V JONES) THE RULES OF THE PRISON DO NOT APPLY TO ME. NO CIVILLY COMMITTED INMATE CAN BE TREATED AS A CONVICTED PRISONER UNDER RULES ESTABLISHED FOR CONVICTED PRISONERS.

8. THE EMPLOYEES OF THE BOP ARE ACTING IN CLEAR ABSENCE OF ALL JURISDICTION.

9. THE LT. DID NOT INVESTIGATE THE INCIDENT PRIOR TO SOC (AS REQUIRED BY B.O.P RULES).

Cory Phillips 78872-011

FMC DEVENS UNIT N-4

2-04-05

FEDERAL MEDICAL CENTER, DEVENS, MASSACHUSETTS
RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY #366680-F1

This is in response to your Request for Administrative Remedy pertaining to Incident Report # 1306372, charging you with Refusing to Work or Obey a Program Assignment (Code 306). For relief, you request that the Incident Report be expunged based on your allegations that staff failed to meet certain policy requirements.

Investigation of your request revealed the following. On February 2, 2005, the Unit Discipline Committee (UDC) conducted the hearing for Incident Report # 1306372 and considered all relevant evidence, which included a statement from you and staff statements. The evidence reflects that on January 28, 2005 you failed to appear for a callout scheduled for 9:30am with the Psychologist. Staff attempted to escort you to your callout appointment but you became belligerent and refused to see the Psychologist.

Psychology staff have identified that you are competent to be held responsible for your behavior and all policy related issues you presented were followed as identified on Incident Report #1306372.

Based upon this evidence, the UDC was justified in concluding that you committed the prohibited act as charged. The UDC sanctioned you to 20 days loss of commissary, suspend 20 days pending 180 days good conduct. This sanction is within the bounds of policy. See Program Statement 5270.07, Inmate Discipline and Special Housing Units, Chapter 4, Pages 11-13. After reviewing all of the evidence, I find that the UDC substantially complied with the regulations pertaining to inmate discipline and that the decision is based on some facts. Id., Chapter 8, Page 1.

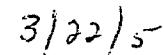
Based upon the above facts, your Request for Administrative Remedy is denied.

If you are not satisfied with this decision, you may appeal to the Regional Director at Bureau of Prisons, Northeast Regional Office, U.S. Customs House, 7th Floor, 2nd and Chestnut Streets, Philadelphia, Pennsylvania 19106. Your appeal must be received in the Northeast Regional Office within 20 days of the date of this response.



David L. Winn, Warden

Date



3/22/05

EXHIBIT 1I

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: SHIELDS, L LAST NAME, FIRST, MIDDLE INITIAL 78872-011 REG. NO. LS-5 UNIT FMC DENVER INSTITUTION

Part A—REASON FOR APPEAL

I Appeal the Article BP 9.
Competing exams must be conducted BEFORE or AFTER. NOT WITHIN A RECOMMENDED
BEST, ITIS violated BP Rules.

4-7-08

DATE

By [Signature]

SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

THIRD COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 366685-21

Part C—RECEIPT

CASE NUMBER: _____

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

USP LVN

DATE

Previous editions not usable

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

ATTACHMENT TO BP#9 (INCIDENT REPORT 1306372) FMC-DEGENS

5. THE INCIDENT REPORT IS FRAUDULENT.

(A) ON 1-23-05 AT ABOUT 0745 HOURS THE NURSE ON UNIT N-3 INSTRUCTED ME THAT I COULD NOT "CALL OUT" BUT THAT I COULD NOT LEAVE THE UNIT (N-3) UNSECURED AND I MUST WAIT FOR THE DOCTOR TO ESCORT ME, AND THE OTHER INMATES HE HAD SCHEDULED.

(B) AT ABOUT 0915 THE DOCTOR ARRIVED AND ASSEMBLED ALL THE INMATES ON CALL OUT INTO ONE GROUP (THOUGH I ANSWERED THE CALL OUT - THE CALL OUT WAS COMPLETED WHEN THE DR. ARRIVED)

(C) THE DOCTOR INSTRUCTED EVERYONE IN THE GROUP THAT THE CALL OUT WITS FOR A TREATMENT AND NOT FOR A WORK ASSIGNMENT OR A PRECOURT ASSIGNMENT (RULE 306). HE ALSO SAID "YOU DON'T HAVE TO GO IF YOU DON'T WANT TO, IF YOU DON'T WANT TO PARTICIPATE, SIGN THE REFUSAL FORM AND I WON'T PUT YOU ON CALL OUT AGAIN - I DON'T BUD YOU ABOUT IT."

(D) I ASK FOR THE FORM TO SIGN. HE SAID I MUST FIRST SUFFER THE TREATMENT BEFORE I COULD REFUSE IT. (YOU HAVE TO GO - STAY THE HOUR - PARTICIPATE - AND THEN SIGN). I REFUSED SINCE HE HAD ALREADY DENIED ME THE RIGHT TO REFUSE (BUT BOP RULES ALREADY GIVES ME THE RIGHT).

(E) A HOUR LATER HE BROUGHT FORM BP358(L) AND I SIGNED IT. HE SAID HE WAS GOING TO PUNISH ME FOR SIGNING IT. "LET ME GET THIS STRAIGHT" I SAID. "YOU'RE GOING TO PUNISH ME FOR NOT DENY SOMETHING I AM NOT REQUIRED TO DO." "YES" HE SAID.

(F) BOP RULE 6000 ET SEQ STATES A HEARING MUST BE HELD TO DETERMINE IF A TREATMENT IS APPROPRIATE BEFORE IT CAN BE APPLIED. I WAS NOT GIVEN A HEARING.

6. THE U.S. BUREAU OF PRISONS DOES NOT HAVE LAWFUL CUSTODY OF ME. THERE ARE NO PROVISIONS IN THE LAW THAT ALLOWS FOR FEDERAL CONFINEMENT.
 463 U.S 354 AT 369
 UNDER SUPREME COURT LAW (US V JONES) THE RULES OF THE PRISON DO NOT APPLY TO ME, NO CRIMINAL CONVICTION MEANS I AM TO BE TREATED AS A CONVICTED PRISONER UNDER RULES ESTABLISHED FOR CONVICTED PRISONERS.

7. THE EMPLOYEES OF THE BOP ARE ACTING IN CLEAR ABSENCE OF ALL SUPERVISION.
 8. THE LT. DID NOT INVESTIGATE THE INCIDENT PRIOR TO SOL (AS REQUIRED BY BOP RULES).

By: Shafiq 78872-011
 FMC DEGENS UNIT N-4
 2-04-05

PHELPS, Coy
Reg. No. 78872-011
Appeal No. 366680-R1
Page One

Part B - Response

You appeal the February 2, 2005, hearing of the Unit Discipline Committee (UDC) at FMC Devens, finding you committed the prohibited act of Refusing to Work or Accept a Program Assignment, Code 306, Incident Report number 1306372. You claim that competency exams must be done before "DS not after" and that such a determination was not made in your case.

The UDC determined you committed the prohibited act based on the following evidence. On January 28, 2005, the reporting employee attempted to escort you to a 9:30 a.m. call out with a psychologist. You were belligerent and refused to go. You do not contest the facts of the incident report. The UDC reviewed all of the evidence presented and reasonably determined you committed the prohibited act.

According to 28 C.F.R. section 541.10, if it appears at any stage of the disciplinary process that an inmate is mentally ill, staff shall refer the inmate to a mental health professional for determination of whether the inmate is responsible for his conduct or is incompetent. In your case, the day before the UDC hearing, it was determined by a staff psychiatrist that you were competent to be held responsible for your behaviors.

The record in this case reflects substantial compliance with Program Statement 5270.07, Inmate Discipline. The decision of the UDC was based upon the greater weight of evidence and the sanction imposed was consistent with the severity level of the prohibited act. The sanction imposed, 20 days loss of commissary privileges, suspended 20 days pending 180 days clear conduct is not disproportionate to your misconduct. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: May 12, 2005

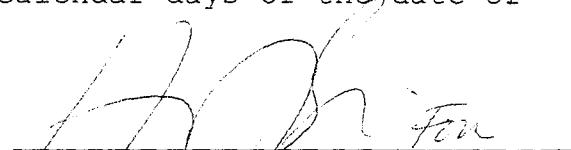

D. SCOTT DODBILL
Regional Director

EXHIBIT 1J

REGNO: 78872-011 NAME: PHELPS, COY
RSP OF...: DEV UNT/LOC/DST: N UNIT QTR.: N04-422U RCV OFC: BOP
REMEDY ID: 366680-A1 SUB1: 21AM SUB2: DATE RCV: 06-01-2005
UNT RCV..: N UNIT QTR RCV.: N04-422U FAACL RCV: DEV
UNT ORG..: N UNIT QTR ORG.: N04-424L FAACL ORG: DEV
EVT FAACL.: DEV ACC LEV: DEV 1 NER 1 BOP 1 RESP DUE: MON 07-11-2005
ABSTRACT.: APPEALS 02-03-05 UDC HEARING, CODE 306
STATUS DT: 06-07-2005 STATUS CODE: ACC STATUS REASON:
INCRPTNO.: 1306372 RCT: P EXT: DATE ENTD: 06-07-2005
REMARKS..:

G0000 5 REMEDY SUBMISSION(S) SELECTED
TRANSACTION SUCCESSFULLY COMPLETED

EXHIBIT 1K

U.S. DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

*Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.*From: PHELPS Coy R
LAST NAME, FIRST, MIDDLE INITIAL78872-011

REG. NO.

N 5

UNIT

FMC-DEVENS

INSTITUTION

Part A- INMATE REQUEST

*CONTINUING HARASSMENT BY DENYING ACCESS TO COURT BY REFUSING TO SEND
 FILING FEE TO THE COURT AFTER THE MONEY WAS WITHDRAWN FROM MY ACCOUNT
 BY COURT ORDER*

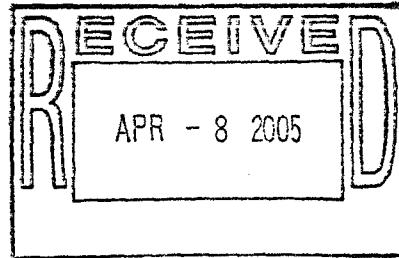
3-29-05

DATE

Coy Phelps

SIGNATURE OF REQUESTER

Part B- RESPONSE



DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 373314-FI

CASE NUMBER: _____

Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

**FEDERAL MEDICAL CENTER, DEVENS, MASSACHUSETTS
RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY #373314-F1**

This is in response to your Request for Administrative Remedy wherein you state you are being subjected to "continuing harassment by denying access to Court by refusing to send filing fee to the Court after the money was withdrawn from my account by Court Order."

An investigation of your request revealed the following: As previously explained to you, the Court made an error and did not credit your account \$150.00 initially for Civil Action No. 05-40003. However, Financial Management contacted the Court and the money was credited towards your filing fee on February 8, 2005.

Based upon the above information, your Request for Administrative Remedy is denied.

If you are not satisfied with this decision, you may appeal to the Regional Director at: Bureau of Prisons, Northeast Regional Office, U.S. Customs House - 7th Floor, 2nd and Chestnut Streets, Philadelphia, Pennsylvania, 19106. Your appeal must be received in the Northeast Regional Office within 20 days of the date of this response.

John S. Ward, Acting Warden
David L. Winn, Warden

6-29-05
Date

EXHIBIT 1L

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From:	Pheles, Roy R	78872-011	16	FMC Bienville
	LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

Part A- INMATE REQUEST

I AM MAKING A CLAIM OF FALSE IMPRISONMENT; I AM SENTENCED UNDER 18 USC 243 AND 18 USC 4247, NEITHER STATUTE MAKES PROVISION FOR ME TO BE IN FEDERAL CUSTODY OR IN ANY FEDERAL CONFINEMENT, THE B.O.P. DOES NOT HAVE EXCLUSIVE CUSTODY OF ME

5-30-02

DATE

Roy Pheles 78872-011

SIGNATURE OF REQUESTER

Part B- RESPONSE

See ATTACHED

6-17-02

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

THIRD COPY: RETURN TO INMATE

CASE NUMBER: 78872-011

CASE NUMBER: 78872-011

Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION
----------------------------------	----------	------	-------------

SUBJECT:

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

USP LYN

Previously BP-DR-9

BP-22913
APR 1982

**INSTITUTION ADMINISTRATIVE REMEDY
PART B – RESPONSE**

Date Filed: 06-05-2002

Remedy ID No. 269429-F1

This is in response to your request for administrative remedy, received June 5, 2002, wherein you are claiming false imprisonment. You request administrative relief in the form of providing you with the Bureau of Prison authority to detain you in our custody.

A review of your Judgement and Commitment file revealed a certified copy of an "Order Remanding Defendant to Suitable Bureau of Prisons' Medical Facility for Reevaluation/Certifying of Release Conditions if Appropriate 18 U.S.C. §4243(F)", dated December 12, 2001.

Based upon this information your request for administrative remedy is denied based on your claim that you are falsely imprisoned.

If you are dissatisfied with this response, you may submit an appeal to the Regional Director, Mid-Atlantic Regional Office, 10010 Junction Drive, Annapolis Junction, Maryland 20701. Your appeal must be received in that office within 20 calendar days from the date of this response.

6-17-02
Date


A.F. Beeler Warden
Federal Medical Center
Butner, North Carolina

EXHIBIT 1M

U.S. Department of Justice

Federal Bureau of Prisons

Regional Administrative Remedy Appeal

Type or use ball point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: <u>PHELPS COY R</u>	REG. NO. <u>78872-011</u>	UNIT <u>16</u>	INSTITUTION <u>FMC Butner</u>
LAST NAME, FIRST, MIDDLE INITIAL			

Part A—REASON FOR APPEAL

*NEITHER 18 USC 4243 OR 4247 MEANS OR AUTHORIZES MFC TO BE IN FEDERAL
CUSTODY OR FEDERAL CONFIRMATION TO BE TREATED AS A CONVICTED AND SENTENCED
PRISONER. I AM A UNCONVICTED AND UNCHARGED 8101C Mental Patient
(you have misquoted the statute)*

6-26-02

DATE

By Phelps 78872-011

SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

FIRST COPY: REGIONAL FILE COPY

CASE NUMBER:

Part C—RECEIPT

CASE NUMBER: 78872-011

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

USP LVN DATE:

Previously BP-DIR-10-

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

BP-200-13
AUG 1 1992

Regional Administrative Remedy Appeal Part B - Response

Date Filed: July 1, 2002

Remedy No.: 269429-R1

You appeal the Warden's response to your Request for Administrative Remedy. You state you are unlawfully detained at Federal Medical Center (FMC), Butner, North Carolina.

A review of this issue reveals your conditional release was revoked and you are committed to a suitable Bureau of Prisons facility for Hospitalization and Treatment under 18 U.S.C. § 4243 (f). You are appropriately housed at FMC, Butner as a Medium security level inmate with IN custody. We find no reason to depart from the decision made at the institutional level.

Your appeal of the Warden's response is denied. If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534. Your appeal must be received in the General Counsel's Office within 30 days from the date of this response.

Date

JUL 3 4 2002


Harley C. Zappin
Regional Director
Mid-Atlantic Region

EXHIBIT 1N

U.S. Department of Justice
Federal Bureau of Prisons

Central Office Administrative Remedy Appeal

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: <u>PMB</u>	<u>L</u>	<u>78672-011</u>	<u>16</u>	<u>FBI Boston</u>
LAST NAME, FIRST, MIDDLE INITIAL		REG. NO.	UNIT	INSTITUTION

Part A—REASON FOR APPEAL

I AM challenging the action and authority of [redacted] [redacted]
18 USC 4243-VI-V

See attached

7-28-02

DATE

Leffler

SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE

GENERAL COUNSEL

SECOND COPY: REGIONAL FILE COPY

CASE NUMBER: 1809429-A

Part C—RECEIPT

CASE NUMBER:

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

Previously BP-DIR-11

USP LBN

BP-DIR-11(13)
APRIL 1982

Administrative Remedy No. 269429-A1
Part B - Response

You challenge the Bureau of Prisons (BOP) authority to confine you.

You were committed to the custody of the BOP as a civil commitment on March 6, 2002, pursuant to 18 U.S.C. § 4243. Your concerns about your confinement order should be submitted to the U.S. District Court for the Northern District of California. Your appeal is denied.

September 27, 2002
Date

Harrell Watts, Administrator
National Inmate Appeals

EXHIBIT 1O

FUNCTION: LST SCOPE: REG EQ 78872-011 OUTPUT FORMAT: SAN
-----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----
DT RCV: FROM ____ THRU ____ DT STS: FROM ____ THRU ____
DT STS: FROM ____ TO ____ DAYS BEFORE "OR" FROM ____ TO ____ DAYS AFTER DT RDU
DT TDU: FROM ____ TO ____ DAYS BEFORE "OR" FROM ____ TO ____ DAYS AFTER DT TRT
STS/REAS: _____
SUBJECTS: _____
EXTENDED: REMEDY LEVEL: --- RECEIPT: --- "OR" EXTENSION: ---
RCV OFC : EQ _____
TRACK: DEPT: _____
PERSON: _____
TYPE: _____
EVNT FACL: EQ _____
RCV FACL.: EQ _____
RCV UN/LC: EQ _____
RCV QTR..: EQ _____
ORIG FACL: EQ _____
ORG UN/LC: EQ _____
ORIG QTR.: EQ _____

G0002 MORE PAGES TO FOLLOW . . .

REMEDIY-ID	ABSTRACT					
	SUBJ1/SUBJ2	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
2687-F1	34BM/ SPG	SEXUAL HARASSMENT BY STAFF SPG		08-28-1990	CLD	09-27-1990
2852-F1	25ZM/ SPG	WANTS BODY DISPOSED OF PER RELIGIOUS BELIEFS SPG		08-28-1990	CLD	09-27-1990
4912-R1	26BM/ NCR	SPG		10-15-1990	REJ	10-16-1990
4913-R1	33HM/ NCR	SPG		10-15-1990	REJ	10-16-1990
4913-A1	33HM/ BOP	SPG		10-29-1990	REJ	10-29-1990
4912-A1	26BM/ BOP	SPG		10-29-1990	REJ	10-29-1990
G0002	MORE PAGES TO FOLLOW . . .					

REMEDIY-ID	SUBJ1/SUBJ2	ABSTRACT			
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS
6601-F1	26HM/ SPG	INM ALLEGES FALSE, MISLEADING RECORD ENTRIES. SPG	11-21-1990	CLD	12-03-1990
6602-F1	34CM/ SPG	INAPPROPRIATE PUNISHMENT DUE TO RACE & RELIGION. SPG	11-21-1990	CLD	12-03-1990
6668-F1	26DM/ SPG	INM WANTED MEDICATION DISCONTINUED. SPG	11-26-1990	CLD	12-07-1990
6601-R1	26HM/ NCR	INM ALLEGES FALSE, MISLEADING RECORD ENTRIES. SPG	12-17-1990	REJ	12-19-1990
6602-R1	34CM/ NCR	INAPPROPRIATE PUNISHMENT DUE TO RACE & RELIGION. SPG	12-17-1990	REJ	12-19-1990
6668-R1	26DM/ NCR	INM WANTED MEDICATION DISCONTINUED. SPG	12-17-1990	REJ	12-19-1990

G0002 MORE PAGES TO FOLLOW . . .

REMEDY-ID	SUBJ1/SUBJ2	ABSTRACT			
	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
6601-R2	26HM/ NCR	INM ALLEGES FALSE, MISLEADING RECORD ENTRIES. SPG	01-17-1991	CLD	01-23-1991
6602-R2	34CM/ NCR	INAPPROPRIATE PUNISHMENT DUE TO RACE & RELIGION. SPG	01-17-1991	CLD	02-07-1991
6668-R2	26DM/ NCR	INM WANTED MEDICATION DISCONTINUED. SPG	01-17-1991	REJ	01-17-1991
9102-F1	16ZM/ SPG	INM ALLEGES DELAY IN INCOMING & OUTGOING MAIL. SPG	01-22-1991	REJ	01-22-1991
9104-F1	25ZM/ SPG	INM ALLEGES THAT STAFF REFUSE TO PROVIDE FORMS. SPG	01-22-1991	REJ	01-22-1991
9102-F2	16ZM/ SPG	INM ALLEGES DISCRIMINATION. SPG	01-22-1991	CLD	02-15-1991
G0002	MORE PAGES TO FOLLOW . . .				

DEVBS *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-29-2005
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REMEDY-ID	SUBJ1/SUBJ2	ABSTRACT			
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS
6668-R3	26DM/ NCR	INM WANTED MEDICATION DISCONTINUED.			
		SPG	01-28-1991	CLD	02-08-1991
9104-F2	33HM/ SPG	INM ALLEGES THAT STAFF REFUSES TO PROVIDE FORMS.			
		SPG	01-28-1991	CLD	02-15-1991
6602-A1	34CM/ BOP	INAPPROPRIATE PUNISHMENT DUE TO RACE & RELIGION.			
		SPG	02-25-1991	REJ	02-25-1991
6668-A1	26DM/ BOP	INM WANTED MEDICATION DISCONTINUED.			
		SPG	02-25-1991	VOD	02-25-1991
6601-A1	26HM/ BOP	INM ALLEGES FALSE, MISLEADING RECORD ENTRIES.			
		SPG	02-25-1991	CLD	03-29-1991
6668-A2	26DM/ BOP	INM WANTED MEDICATION DISCONTINUED.			
		SPG	02-25-1991	CLD	05-17-1991
G0002	MORE PAGES TO FOLLOW . . .				

REMEDY-ID	SUBJ1/SUBJ2	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
9102-R1	16ZM/ NCR	INM ALLEGES SPG	DELAY IN INCOMING & OUTGOING MAIL.	02-25-1991	CLD	03-01-1991
9104-R1	33HM/ NCR	INM ALLEGES SPG	THAT STAFF REFUSES TO PROVIDE FORMS.	02-25-1991	CLD	04-12-1991
6602-A2	34CM/ BOP	INAPPROPRIATE PUNISHMENT SPG	DUE TO RACE & RELIGION.	03-19-1991	REJ	03-19-1991
11813-F1	25DM/ SPG	INM QUESTIONS POLICY OF CONFISCATING PROPERTY SPG	SPG	03-26-1991	CLD	04-24-1991
11815-F1	25CM/ SPG	INM ALLEGES EXCESSIVE NOISE IS VIOLATION OF RELIGION SPG	SPG	03-26-1991	CLD	04-24-1991
11816-F1	33AM/ SPG	INM ALLEGES HE DOESN'T HAVE ACCESS TO LAW LIBRARY. SPG	SPG	03-26-1991	CLD	05-10-1991
G0002	MORE PAGES TO FOLLOW . . .					

REMEDY-ID	SUBJ1/SUBJ2	ABSTRACT			
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS
11941-F1	13AM/ SPG	INM ALLEGES THAT HE HAS BEEN DENIED AN ANNUAL REVIEW SPG	03-29-1991	CLD	04-24-1991
11944-F1	31ZM/ SPG	INM ALLEGES THAT HE IS SHOULD NOT BE IMPRISONED SPG	03-29-1991	CLD	04-24-1991
6602-A3	34CM/ BOP	INAPPROPRIATE PUNISHMENT DUE TO RACE & RELIGION. SPG	04-08-1991	REJ	04-08-1991
9104-A1	33HM/ BOP	INM ALLEGES THAT STAFF REFUSES TO PROVIDE FORMS. SPG	04-26-1991	CLD	07-12-1991
9102-A1	16ZM/ BOP	INM ALLEGES DELAY IN INCOMING & OUTGOING MAIL. SPG	04-26-1991	VOD	04-26-1991
13376-F1	21AM/ SPG	INM WISHES TO APPEAL UDC DECISION SPG	04-30-1991	CLD	05-17-1991
G0002		MORE PAGES TO FOLLOW . . .			

REMEDY-ID	SUBJ1/SUBJ2 RCV-OFC	ABSTRACT				STATUS-DATE
		RCV-FACL	DATE-RCV	STATUS		
11944-R1	31ZM/ NCR	INM ALLEGES THAT HE IS SHOULD NOT BE IMPRISONED SPG	05-01-1991	CLD	06-17-1991	
11941-R1	13AM/ NCR	INM ALLEGES THAT HE HAS BEEN DENIED AN ANNUAL REVIEW SPG	05-01-1991	CLD	05-29-1991	
11815-R1	25CM/ NCR	INM ALLEGES EXCESSIVE NOISE IS VIOLATION OF RELIGION SPG	05-01-1991	CLD	05-13-1991	
11813-R1	25DM/ NCR	INM QUESTIONS POLICY OF CONFISCATING PROPERTY SPG	05-01-1991	CLD	05-20-1991	
13518-F1	21AM/ SPG	INM ALLEGES UDC WAS IMPROPER AND WANTS TO APPEAL SPG	05-02-1991	CLD	05-17-1991	
13524-F1	25GM/ SPG	INM ALLEGES THAT HE WAS DENIED COPIES OF LEGAL INFO SPG	05-02-1991	CLG	05-21-1991	

G0002 MORE PAGES TO FOLLOW . . .

REMEDY-ID	SUBJ1/SUBJ2	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
11816-R1	33AM/ NCR	INM ALLEGES SPG	HE DOESN'T HAVE ACCESS TO LAW LIBRARY.	05-17-1991	CLD	06-07-1991
9102-A2	16ZM/ BOP	INM ALLEGES SPG	DELAY IN INCOMING & OUTGOING MAIL.	05-21-1991	CLD	06-12-1991
11815-A1	25CM/ BOP	INM ALLEGES SPG	EXCESSIVE NOISE IS VIOLATION OF RELIGION	05-28-1991	CLD	06-25-1991
11813-A1	25DM/ BOP	INM QUESTIONS SPG	POLICY OF CONFISCATING PROPERTY	05-28-1991	CLD	06-25-1991
14626-R1	13BM/ NCR	CLASSIFICATION SPG	CONCERNNS	05-28-1991	REJ	05-30-1991
13524-R1	25GM/ NCR	INM ALLEGES SPG	THAT HE WAS DENIED COPIES OF LEGAL INFO	05-28-1991	REJ	05-30-1991

G0002 MORE PAGES TO FOLLOW . . .

REMEDY-ID	SUBJ1/SUBJ2		ABSTRACT		
	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
13518-R1	21AM/ NCR	INM ALLEGES UDC WAS IMPROPER AND WANTS TO APPEAL SPG	05-28-1991	CLO	07-10-1991
13376-R1	21AM/ NCR	INM WISHES TO APPEAL UDC DECISION SPG	05-28-1991	CLD	07-08-1991
11816-A1	33AM/ BOP	INM ALLEGES HE DOESN'T HAVE ACCESS TO LAW LIBRARY. SPG	06-17-1991	CLD	09-16-1991
13524-R2	25GM/ NCR	INM ALLEGES THAT HE WAS DENIED COPIES OF LEGAL INFO SPG	06-21-1991	REJ	06-26-1991
14626-R2	13BM/ NCR	CLASSIFICATION CONCERNS SPG	06-21-1991	REJ	06-26-1991
16037-F1	25CM/ SPG	INM COMPLAINS ABOUT TEMPERATURE IN THE UNIT SPG	07-02-1991	CLD	08-01-1991
G0002	MORE PAGES TO FOLLOW . . .				

DEVBS *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-29-2005
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 REMEDY-ID SUBJ1/SUBJ2 -----ABSTRACT-----
 RCV-OFC RCV-FACL DATE-RCV STATUS STATUS-DATE

 11944-A1 31ZM/ INM ALLEGES THAT HE IS SHOULD NOT BE IMPRISONED
 BOP SPG 07-09-1991 CLD 11-06-1991

 11941-A1 13AM/ INM ALLEGES THAT HE HAS BEEN DENIED AN ANNUAL REVIEW
 BOP SPG 07-09-1991 CLD 11-06-1991

 13518-A1 21AM/ INM ALLEGES UDC WAS IMPROPER AND WANTS TO APPEAL
 BOP SPG 07-23-1991 CLD 08-27-1991

 17437-F1 16ZM/ INM WISHES TO SEND MONEY FROM USMCFP
 SPG SPG 08-05-1991 VOD 08-06-1991

 17438-F1 34BM/ INM ALLEGES THAT STAFF MEMBER HARASSED HIM
 SPG SPG 08-05-1991 VOD 08-06-1991

 17549-F1 34BM/ INM ALLEGES THAT STAFF MEMBER HARASSED HIM
 SPG SPG 08-08-1991 CLD 08-16-1991

G0002 MORE PAGES TO FOLLOW . . .

REMEDIY-ID	SUBJ1/SUBJ2	ABSTRACT				STATUS-DATE
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS	
17551-F1	15ZM/ SPG	INM WISHES TO SEND MONEY FROM MCFP SPG	08-08-1991	CLD	08-16-1991	
16037-R1	34CM/ NCR	INMAT COMPLAINING ABOUT DISCRIMINATION IN UNIT SPG	08-09-1991	CLD	09-06-1991	
17549-R1	34BM/ NCR	INM ALLEGES THAT STAFF MEMBER HARASSED HIM SPG	09-03-1991	CLD	10-09-1991	
17551-R1	15ZM/ NCR	INM WISHES TO SEND MONEY FROM MCFP SPG	09-09-1991	REJ	09-10-1991	
20004-F1	34ZM/ RCH	RCH	10-03-1991	REJ	10-03-1991	
20005-F1	22ZM/ RCH	RCH	10-03-1991	REJ	10-03-1991	
G0002	MORE PAGES TO FOLLOW . . .					

REMEDY-ID	SUBJ1/SUBJ2	RCV-OFC	RCV-FACL	DATE-RCV	ABSTRACT	STATUS	STATUS-DATE
20006-F1	22ZM/ RCH	RCH		10-03-1991	INMATE COMPLAINING ABOUT DISCRIMINATION IN UNIT	REJ	10-03-1991
16037-A1	34CM/ BOP	RCH		10-08-1991	INMATE COMPLAINING ABOUT DISCRIMINATION IN UNIT	REJ	10-08-1991
20594-F1	33HM/ RCH	RCH		10-18-1991	COMPLAINT ABOUT BP-9 PROCEDURES	CLD	10-18-1991
20769-F1	34ZM/ RCH	RCH		10-23-1991	COMPLAINT AGAINST STAFF MEMBER	CLD	10-23-1991
17549-A1	34BM/ BOP	RCH		10-30-1991	INM ALLEGES THAT STAFF MEMBER HARASSED HIM	CLD	11-22-1991
21169-F1	26BM/ RCH	RCH		10-31-1991	COMPLAINT AGAINST DOCTOR	CLD	10-31-1991
G0002	MORE PAGES TO FOLLOW . . .						

REMEDY-ID	SUBJ1/SUBJ2 RCV-OFC	ABSTRACT			STATUS	STATUS-DATE
		RCV-FACL	DATE-RCV			
21565-F1	21AM/ RCH	CLOSE THE CASE AND DISMISS THE UDC RCH	11-12-1991	CLD	11-12-1991	
21741-F1	28ZM/ RCH	WANTS FMC STAFF TO RECEIVE MORE TRAINING RCH	11-15-1991	CLD	11-15-1991	
20769-R1	34ZM/ NCR	COMPLAINT AGAINST STAFF MEMBER RCH	11-19-1991	CLD	12-12-1991	
20594-R1	33HM/ NCR	COMPLAINT ABOUT BP-9 PROCEDURES RCH	11-19-1991	CLD	12-06-1991	
21169-R1	26BM/ NCR	COMPLAINT AGAINST DOCTOR RCH	11-21-1991	CLD	11-27-1991	
22356-F1	26BM/ RCH	RCH	12-03-1991	REJ	12-03-1991	

G0002 MORE PAGES TO FOLLOW . . .

REMEDY-ID	SUBJ1/SUBJ2	ABSTRACT			
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS
21741-R1	28ZM/ NCR	WANTS FMC STAFF TO RECEIVE MORE TRAINING RCH	12-04-1991	CLD	12-18-1991
21565-R1	21AM/ NCR	CLOSE THE CASE AND DISMISS THE UDC RCH	12-04-1991	CLD	12-18-1991
21169-A1	26BM/ BOP	COMPLAINT AGAINST HOUSING ASSIGNMENT/REQ SING. CELL RCH	12-20-1991	CLD	01-24-1992
20594-A1	33HM/ BOP	COMPLAINT ABOUT BP-9 PROCEDURES RCH	12-20-1991	CLD	01-24-1992
23175-F1	34ZM/ RCH	RCH	12-24-1991	REJ	12-24-1991
23176-F1	34ZM/ RCH	RCH	12-24-1991	REJ	12-24-1991
G0002	MORE PAGES TO FOLLOW . . .				

REMEDY-ID	SUBJ1/SUBJ2	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
20769-A1	34ZM/ BOP		COMPLAINT AGAINST STAFF MEMBER RCH	01-02-1992	CLD	02-28-1992
23526-F1	26AS/ RCH		COMPLAINT AGAINST MEDICAL TREATMENT BY STAFF RCH	01-06-1992	CLD	01-06-1992
23527-F1	34BS/ RCH		COMPLAINT AGAINST MEDICAL STAFF RCH	01-06-1992	CLD	01-06-1992
21741-A1	28ZM/ BOP		WANTS FMC STAFF TO RECEIVE MORE TRAINING RCH	01-07-1992	CLD	02-19-1992
21565-A1	21AM/ BOP		CLOSE THE CASE AND DISMISS THE UDC RCH	01-07-1992	CLD	02-19-1992
23526-R1	26AS/ NCR		COMPLAINT AGAINST MEDICAL TREATMENT BY STAFF RCH	01-22-1992	CLD	02-25-1992
G0002			MORE PAGES TO FOLLOW . . .			

DEVBS *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 00-29-2005
PAGE 017 * SANITIZED FORMAT * 15:28:23
REMEDY-ID SUBJ1/SUBJ2 -----ABSTRACT-----
RCV-OFC RCV-FACL DATE-RCV STATUS STATUS-DATE

24211-F1	13DM/ RCH	WANTS TO BE TAKEN OFF OF CIM STATUS RCH	01-22-1992	CLO	01-22-1992
24414-F1	16ZM/ RCH	MAIL COMPLAINT RCH	01-27-1992	CLD	01-27-1992
23527-R1	34BS/ NCR	COMPLAINT AGAINST MEDICAL STAFF RCH	01-30-1992	CLD	02-06-1992
24211-R1	13DM/ NCR	WANTS TO BE TAKEN OFF OF CIM STATUS RCH	02-18-1992	CLO	03-03-1992
23527-A1	34BS/ BOP	COMPLAINT AGAINST MEDICAL STAFF RCH	02-19-1992	CLD	03-19-1992
24414-R1	16ZM/ NCR	MAIL COMPLAINT RCH	02-21-1992	CLD	03-03-1992

G0002 MORE PAGES TO FOLLOW . . .

REMEDY-ID	SUBJ1/SUBJ2	ABSTRACT			
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS
25870-F1	23CM/34BM RCH	WANTS CONFISCATED PROPERTY RETURNED/COMPL. OF STAFF RCH	02-27-1992	CLD	02-27-1992
23526-A1	26AS/ BOP	COMPLAINT AGAINST MEDICAL TREATMENT BY STAFF RCH	03-18-1992	CLD	05-01-1992
25870-R1	23CM/34BM NCR	WANTS CONFISCATED PROPERTY RETURNED/COMPL. OF STAFF RCH	03-20-1992	CLD	04-03-1992
24211-A1	13DM/ BOP	WANTS TO BE TAKEN OFF OF CIM STATUS RCH	03-23-1992	CLG	04-24-1992
24414-A1	16ZM/ BOP	MAIL COMPLAINT RCH	03-23-1992	CLD	04-24-1992
25870-A1	23CM/34BM BOP	WANTS CONFISCATED PROPERTY RETURNED/COMPL. OF STAFF RCH	04-21-1992	CLD	06-01-1992
G0002	MORE PAGES TO FOLLOW . . .				

*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-29-2005
SANITIZED FORMAT 10:28:04

REMEDY-ID	SUBJ1/SUBJ2	ABSTRACT			
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS
30736-F1	33ZM/ RCH	WANTS TO BE RELEASED IMMEDIATELY. RCH	06-08-1992	CLO	06-08-1992
30737-F1	34CM/ RCH	COMPLAINT AGAINST STAFF MEMBERS RCH	06-08-1992	CLD	06-08-1992
30736-R1	33ZM/ NCR	WANTS TO BE RELEASED IMMEDIATELY. RCH	07-08-1992	CLD	07-30-1992
32223-F1	25DM/25FM RCH	WANTS HIS COIN MONEY RETURNED RCH	07-10-1992	CLD	07-10-1992
32225-F1	28ZM/34CM RCH	COMPLAINT AGAINST STAFF MEMBER RCH	07-10-1992	CLD	07-10-1992
30737-R1	34CM/ NCR	COMPLAINT AGAINST STAFF MEMBERS RCH	07-16-1992	CLD	07-21-1992
G0002	MORE PAGES TO FOLLOW . . .				

DEVBS Case 4:05-cv-10063-GAO Document 16-3 Filed 07/14/2005 Page 30 of 67 29-2005
PAGE 020 * ADMINISTRATIVE REMEDY GENERAL ID RELEASED * 16:28:04
REMEDY-ID SUBJ1/SUBJ2 -----ABSTRACT-----
RCV-OFC RCV-FACL DATE-RCV STATUS STATUS-DATE

32938-F1	28ZM/ RCH	COMPLAINT HE WAS GIVEN DRUG TESTING RCH	07-27-1992	CLD	07-27-1992
32939-F1	23ZM/ RCH	COMPLAINT OF USE OF RESTRAINTS ON MED TRIP RCH	07-27-1992	CLD	07-27-1992
32223-R1	25DM/25FM NCR	WANTS HIS COIN MONEY RETURNED RCH	08-03-1992	CLD	08-18-1992
32225-R1	28ZM/34CM NCR	COMPLAINT AGAINST STAFF MEMBER RCH	08-03-1992	CLD	08-06-1992
30736-A1	33ZM/ BOP	WANTS TO BE RELEASED IMMEDIATELY. RCH	08-10-1992	CLD	09-18-1992
30737-A1	34CM/ BOP	COMPLAINT AGAINST STAFF MEMBERS RCH	08-11-1992	CLD	09-18-1992

G0002 MORE PAGES TO FOLLOW . . .

REMEDY-ID	ABSTRACT				
	SUBJ1/SUBJ2 RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
32939-R1	23ZM/ NCR	COMPLAINT OF USE OF RESTRAINTS ON MED TRIP RCH	08-13-1992	CLD	08-28-1992
32938-R1	28ZM/ NCR	COMPLAINT HE WAS GIVEN DRUG TESTING RCH	08-18-1992	CLD	08-27-1992
32225-A1	28ZM/34CM BOP	COMPLAINT AGAINST STAFF MEMBER RCH	08-20-1992	CLD	10-06-1992
34435-F1	25FM/ RCH	WANTS CHANGE IN POLICY TOWARDS INMATE MONEY RCH	08-27-1992	CLD	08-27-1992
32223-A1	25DM/25FM BOP	WANTS HIS COIN MONEY RETURNED RCH	08-31-1992	CLD	10-14-1992
34890-F1	13ZM/34CM RCH	RCH	09-08-1992	REJ	09-08-1992
G0002	MORE PAGES TO FOLLOW . . .				

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 REMEDY-ID SUBJ1/SUBJ2 -----ABSTRACT-----
 RCV-OFC RCV-FACL DATE-RCV STATUS STATUS-DATE

34891-F1	15BM/34BM RCH	RCH	09-08-1992	REJ	09-08-1992
32938-A1	28ZM/ BOP	COMPLAINT HE WAS GIVEN DRUG TESTING RCH	09-10-1992	CLD	10-22-1992
34435-R1	25FM/ NCR	WANTS CHANGE IN POLICY TOWARDS INMATE MONEY RCH	09-11-1992	CLD	10-02-1992
35159-F1	15BM/34BM RCH	COMPLAINT OF TREE TRIMMING/COMPLAINT AGAINST STAFF RCH	09-14-1992	CLD	09-14-1992
35514-F1	13ZM/34CM RCH	COMPLAINT AGAINST TOWN HALL/COMPLAINT AGAINST STAFF RCH	09-21-1992	CLD	09-21-1992
32939-A1	23ZM/ BOP	COMPLAINT OF USE OF RESTRAINTS ON MED TRIP RCH	09-29-1992	CLD	11-24-1992
G0002	MORE PAGES TO FOLLOW . . .				

REMEDY-ID	SUBJ1/SUBJ2	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
35159-R1	15BM/34BM NCR		COMPLAINT OF TREE TRIMMING/COMPLAINT AGAINST STAFF RCH	10-01-1992	CLO	10-14-1992
35514-R1	13ZM/34CM NCR		COMPLAINT AGAINST TOWN HALL/COMPLAINT AGAINST STAFF RCH	10-08-1992	CLD	10-15-1992
34435-A1	25FM/ BOP		WANTS CHANGE IN POLICY TOWARDS INMATE MONEY RCH	10-16-1992	CLG	12-28-1992
36943-F1	25DM/ RCH		TERMINATE OFFICER RCH	10-20-1992	CLD	10-20-1992
35514-A1	13ZM/34CM BOP		COMPLAINT AGAINST TOWN HALL/COMPLAINT AGAINST STAFF RCH	10-27-1992	CLD	12-11-1992
35159-A1	15BM/34BM BOP		COMPLAINT OF TREE TRIMMING/COMPLAINT AGAINST STAFF RCH	10-27-1992	CLD	12-29-1992

G0002 MORE PAGES TO FOLLOW . . .

REMEDY-ID	SUBJ1/SUBJ2	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
36943-R1	25DM/ NCR		STAFF CONCERNS -- REQUESTS TERMINATION OF OFFICER RCH	11-09-1992	CLD	11-24-1992
38521-F1	25ZM/ RCH		COMPLAINT OF PASS SYSTEM RCH	11-20-1992	CLD	11-20-1992
38522-F1	26BM/34AM RCH		MEDICAL INDIFFERENCE/MALPRACTICE/STAFF COMPLAINT RCH	11-20-1992	CLD	11-20-1992
36943-A1	25DM/ BOP		STAFF CONCERNS -- REQUESTS TERMINATION OF OFFICER RCH	12-07-1992	CLD	02-02-1993
38521-A1	25ZM/ BOP		COMPLAINT OF PASS SYSTEM SPG	12-11-1992	REJ	12-11-1992
38522-R1	26BM/34AM NCR		MEDICAL INDIFFERENCE/MALPRACTICE/STAFF COMPLAINT SPG	12-31-1992	CLD	01-25-1993

G0002 MORE PAGES TO FOLLOW . . .

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 REMEDY-ID SUBJ1/SUBJ2 -----ABSTRACT-----
 RCV-OFC RCV-FACL DATE-RCV STATUS STATUS-DATE

 38521-R1 25ZM/
NCR COMPLAINT OF PASS SYSTEM
SPG 01-08-1993 CLD 02-03-1993

 41524-F1 28ZM/
SPG VARIOUS MENTAL HEALTH TREATMENT COMPLAINTS
SPG 01-22-1993 CLD 02-03-1993

 41524-R1 28ZM/
NCR VARIOUS MENTAL HEALTH TREATMENT COMPLAINTS
SPG 02-12-1993 CLD 03-05-1993

 38522-A1 26BM/34AM MEDICAL INDIFFERENCE/MALPRACTICE/STAFF COMPLAINT
BOP SPG 02-18-1993 CLD 02-18-1993

 41524-A1 28ZM/
BOP VARIOUS MENTAL HEALTH TREATMENT COMPLAINTS
SPG 03-22-1993 CLD 05-18-1993

 38521-A2 25ZM/
BOP COMPLAINT OF PASS SYSTEM
SPG 03-29-1993 REJ 03-29-1993

G0002 MORE PAGES TO FOLLOW . . .

*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-29-2005
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REMEDY-ID	SUBJ1/SUBJ2	ABSTRACT-----			
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS
46675-F1	13HM/ SPG	COMPLAINS OF MOVING TO 2ND FLOOR SPG	04-28-1993	REJ	04-30-1993
48183-F1	34AM/ SPG	COMPLAINS OF UNPROFESSIONAL CONDUCT BY OFFICER SPG	06-01-1993	CLD	06-14-1993
49076-F1	14ZM/ SPG	COMPLAINS OF TV OFFENDING RELIGIOUS BELIEFS SPG	06-17-1993	CLG	06-29-1993
49079-F1	33ZM/ SPG	COMPLAINS OF ADMINISTRATIVE REMEDY PROCEDURE SPG	06-17-1993	CLD	07-02-1993
49080-F1	26BM/ SPG	COMPLAIN OF DOCTORS CARE SPG	06-17-1993	REJ	06-18-1993
48183-R1	34AM/ NCR	COMPLAINS OF UNPROFESSIONAL CONDUCT BY OFFICER SPG	06-21-1993	CLD	06-29-1993
G0002	MORE PAGES TO FOLLOW . . .				

REMEDY-ID	SUBJ1/SUBJ2		ABSTRACT		
	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
49404-F1	33HM/ SPG	COMPLAINS OF BP-9 REJECTION SPG	06-24-1993	REJ	06-25-1993
49079-R1	33ZM/ NCR	COMPLAINS OF ADMINISTRATIVE REMEDY PROCEDURE SPG	07-09-1993	CLD	07-26-1993
49076-R1	14ZM/ NCR	COMPLAINS OF TV OFFENDING RELIGIOUS BELIEFS SPG	07-12-1993	CLD	08-06-1993
50425-F1	16BM/ SPG	MAIL BEING INTERFERRED WITH, CHK NOT DEPOSITED, ETC. SPG	07-15-1993	CLD	07-23-1993
50465-F1	25DM/34ZM SPG	OFFICER THREW ITEM OF PERS PROP AWAY IN RETALIATION SPG	07-15-1993	REJ	07-16-1993
50524-F1	33HM/ SPG	COMPLAINS OF REJECTION OF BP-9 SPG	07-15-1993	REJ	07-19-1993
G0002	MORE PAGES TO FOLLOW . . .				

DEVBS *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-29-2005
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REMEDY-ID	SUBJ1/SUBJ2	RCV-OFC	RCV-FACL	DATE-RCV	ABSTRACT	STATUS	STATUS-DATE
50466-F1	34BM/ SPG		OFFICER IS HARASSING HIM SPG	07-16-1993		CLD	08-02-1993
48183-A1	34AM/ BOP		COMPLAINS OF UNPROFESSIONAL CONDUCT BY OFFICER SPG	07-28-1993		CLD	08-27-1993
49079-A1	33ZM/ BOP		COMPLAINS OF ADMINISTRATIVE REMEDY PROCEDURE SPG	08-10-1993		CLD	08-10-1993
50425-R1	16BM/ NCR		MAIL BEING INTERFERRED WITH, CHK NOT DEPOSITED, ETC. SPG	08-17-1993		CLD	09-14-1993
50466-R1	34BM/ NCR		OFFICER IS HARASSING HIM SPG	08-18-1993		CLD	08-25-1993
49076-A1	14ZM/ BOP		COMPLAINS OF TV OFFENDING RELIGIOUS BELIEFS SPG	08-24-1993		CLD	09-23-1993

G0002 MORE PAGES TO FOLLOW . . .

REMEDY-ID	SUBJ1/SUBJ2	ABSTRACT			
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS
52860-F1	34AM/ SPG	COMPLAINS OF INAPPROPRIATE CONDUCT BY OFFICER SPG	08-31-1993	CLD	09-23-1993
52861-F1	34AM/ SPG	COMPLAINS OF INAPPROPRIATE CONDUCT BY STAFF SPG	09-01-1993	REJ	09-01-1993
52861-F2	34AM/ SPG	COMPLAINS OF INAPPROPRIATE CONDUCT BY STAFF SPG	09-07-1993	CLD	09-21-1993
50425-A1	16BM/ BOP	MAIL BEING INTERFERRED WITH, CHK NOT DEPOSITED, ETC. SPG	09-24-1993	CLD	10-08-1993
52861-R1	34AM/ NCR	COMPLAINS OF INAPPROPRIATE CONDUCT BY STAFF SPG	09-28-1993	CLD	10-20-1993
52860-R1	34AM/ NCR	COMPLAINS OF INAPPROPRIATE CONDUCT BY OFFICER SPG	09-28-1993	CLO	10-05-1993
G0002		MORE PAGES TO FOLLOW . . .			

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REMEDY-ID	SUBJ1/SUBJ2	ABSTRACT			
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS
52860-A1	34AM/ BOP	SPG	COMPLAINS OF INAPPROPRIATE CONDUCT BY OFFICER 10-19-1993	CLD	11-15-1993
55826-R1	20DM/ NCR	SPG	DHO APPEALS 10-28-1993	REJ	10-28-1993
52861-A1	34AM/ BOP	SPG	COMPLAINS OF INAPPROPRIATE CONDUCT BY STAFF 11-08-1993	CLD	12-03-1993
56726-R1	20DM/ NCR	SPG	DHO APPEAL 11-15-1993	REJ	11-15-1993
58463-F1	22CM/ SPG	SPG	COMPLAINS OF OFFICERS PLAYING TV TOO LOUD IN SEG 12-21-1993	CLD	01-05-1994
58510-F1	22CM/ SPG	SPG	ALLEGES INDIFFERENCE OF OFFICER ABOUT SEG CONDITIONS 12-21-1993	CLD	01-05-1994
G0002	MORE PAGES TO FOLLOW . . .				

REMEDY-ID	SUBJ1/SUBJ2	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
56726-R2	20DM/ NCR	DHO APPEAL	(10/20/93 -- 203) SPG	12-29-1993	CLD	01-25-1994
58768-R1	20DM/ NCR	DHO APPEAL	(10/20/93 --224) SPG	12-29-1993	REJ	12-29-1993
59413-F1	17AM/ SPG	COMPLAINS OF OFFICER NOT ALLOWING PHONE CALLS	SPG	01-11-1994	CLD	01-21-1994
59422-R1	34AM/ NCR	STAFF HARASSMENT COMPLAINT	SPG	01-11-1994	REJ	01-11-1994
58510-R1	22CM/ NCR	ALLEGES INDIFFERENCE OF OFFICER ABOUT SEG CONDITIONS	SPG	01-20-1994	CLD	02-07-1994
58463-R1	22CM/ NCR	COMPLAINS OF OFFICERS PLAYING TV TOO LOUD IN SEG	SPG	01-20-1994	CLD	02-03-1994
G0002	MORE PAGES TO FOLLOW . . .					

DEVBS *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-29-2005
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REMEDY-ID	ABSTRACT					
	SUBJ1/SUBJ2	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
59413-R1	17AM/ NCR		COMPLAINS OF OFFICER NOT ALLOWING PHONE CALLS SPG	01-28-1994	CLD	02-15-1994
58768-R2	20DM/ NCR		DHO APPEAL (10/20/93 --224) SPG	01-28-1994	CLD	02-10-1994
60551-F1	34ZM/ SPG		ALLEGES OFFICER NOT GIVING HIM FOOD TRAYS SPG	01-31-1994	CLD	02-14-1994
61291-F1	33EM/ SPG		ALLEGES LEGAL PHONE CALL MONITORED AND CUT OFF SPG	02-14-1994	CLD	02-25-1994
61411-F1	34BM/ SPG		ALLEGES HARRASSED BY OFFICERS SPG	02-15-1994	CLO	02-28-1994
60551-R1	34ZM/ NCR	BUT	ALLEGES OFFICER NOT GIVING HIM FOOD TRAYS BUT	02-24-1994	CLD	03-11-1994

G0002 MORE PAGES TO FOLLOW . . .

REMEDIY-ID	SUBJ1/SUBJ2	ABSTRACT				
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
58463-A1	22CM/ BOP	COMPLAINS OF OFFICERS PLAYING TV TOO LOUD IN SEG BUT	02-28-1994	CLD	03-11-1994	
58768-A1	20DM/ BOP	DHO APPEAL (10/20/93 --224) BUT	02-28-1994	CLD	03-18-1994	
58510-A1	22CM/ BOP	ALLEGES INDIFFERENCE OF OFFICER ABOUT SEG CONDITIONS BUT	03-04-1994	CLD	03-14-1994	
56726-A1	20DM/ BOP	DHO APPEAL (10/20/93 -- 203) BUT	03-08-1994	REJ	03-08-1994	
61291-R1	33EM/ NCR	ALLEGES LEGAL PHONE CALL MONITORED AND CUT OFF BUT	03-14-1994	CLD	03-22-1994	
61411-R1	34BM/ NCR	ALLEGES HARRASSED BY OFFICERS BUT	03-21-1994	CLD	03-28-1994	
G0002		MORE PAGES TO FOLLOW . . .				

REMEDY-ID	SUBJ1/SUBJ2	ABSTRACT			
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS
63716-F1	25GM/ BUT	PHOTOCOPY REQUEST - COST BUT	03-28-1994	CLD	03-28-1994
60551-A1	34ZM/ BOP	ALLEGES OFFICER NOT GIVING HIM FOOD TRAYS BUT	04-07-1994	CLD	04-11-1994
63716-R1	25GM/ MXR	PHOTOCOPY REQUEST - COST BUT	04-18-1994	CLD	05-16-1994
56726-A2	20DM/ BOP	DHO APPEAL (10/20/93 -- 203) BUT	04-18-1994	REJ	04-18-1994
61411-A1	34BM/ BOP	ALLEGES HARRASSED BY OFFICERS BUT	04-18-1994	CLD	04-19-1994
59413-A1	17AM/ BOP	COMPLAINS OF OFFICER NOT ALLOWING PHONE CALLS BUT	04-19-1994	CLD	04-29-1994
G0002	MORE PAGES TO FOLLOW . . .				

REMEDY-ID	SUBJ1/SUBJ2	ABSTRACT			
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS
61291-A1	33EM/ BOP	ALLEGES LEGAL PHONE CALL MONITORED AND CUT OFF BUT	05-13-1994	CLD	06-08-1994
63716-A1	25GM/ BOP	PHOTOCOPY REQUEST - COST BUT	06-06-1994	CLD	06-29-1994
70230-F1	34AM/ BUT	UNPROFESSIONAL, INAPPROPRIATE CONDUCT BY STAFF BUT	07-19-1994	CLD	07-19-1994
70230-R1	34AM/ MXR	UNPROFESSIONAL, INAPPROPRIATE CONDUCT BY STAFF BUT	08-08-1994	CLD	08-30-1994
70230-A1	34AM/ BOP	UNPROFESSIONAL, INAPPROPRIATE CONDUCT BY STAFF BUT	09-09-1994	CLD	09-23-1994
73824-F1	28AM/ BUT	PSYCHOTROPIC MEDICATIONS BUT	09-22-1994	CLD	09-22-1994
G0002	MORE PAGES TO FOLLOW . . .				

REMEDY-ID	SUBJ1/SUBJ2 RCV-OFC	ABSTRACT			STATUS	STATUS-DATE
		RCV-FACL	DATE-RCV			
73824-R1	28AM/ MXR	PSYCHOTROPIC MEDICATIONS BUT	10-17-1994		CLD	11-16-1994
76231-F1	28AM/ BUT	PSYCHOTROPIC MEDICATIONS BUT	11-04-1994		CLD	11-04-1994
76782-F1	10ZM/ BUT	TRANSFER - RELOCATION BUT	11-16-1994		CLD	11-16-1994
73824-A1	28AM/ BOP	PSYCHOTROPIC MEDICATIONS-FORCED BUT	11-28-1994		CLD	12-28-1994
76231-R1	28AM/ MXR	PSYCHOTROPIC MEDICATIONS BUT	12-02-1994		CLD	12-29-1994
76782-R1	10ZM/ MXR	TRANSFER - RELOCATION BUT	12-05-1994		CLD	01-04-1995
G0002	MORE PAGES TO FOLLOW . . .					

REMEDY-ID	SUBJ1/SUBJ2	ABSTRACT			
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS
76231-A1	28AM/ BOP	PSYCHOTROPIC MEDICATIONS BUT	01-10-1995	CLD	02-06-1995
76782-A1	10ZM/ BOP	TRANSFER - RELOCATION BUT	01-17-1995	CLD	01-23-1995
82862-F1	13AM/ BUT	DOES NOT WISH TO ATTEND TEAM MEETINGS BUT	03-10-1995	CLD	03-29-1995
82862-R1	13AM/ MXR	DOES NOT WISH TO ATTEND TEAM MEETINGS BUT	04-05-1995	CLD	05-04-1995
86301-F1	26ZM/ BUT	OTHER MEDICAL MATTERS-NO URINE TESTING/ON MEDICATION BUT	05-11-1995	CLD	06-01-1995
82862-A1	13AM/ BOP	DOES NOT WISH TO ATTEND TEAM MEETINGS BUT	05-17-1995	CLD	06-14-1995

G0002 MORE PAGES TO FOLLOW . . .

REMEDY-ID	SUBJ1/SUBJ2		ABSTRACT		
	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
87214-F1	28ZM/ BUT	OTHER MENTAL HEALTH MATTERS - RELEASE BUT	05-25-1995	CLD	06-23-1995
86301-R1	26ZM/ MXR	OTHER MEDICAL MATTERS-NO URINE TESTING/ON MEDICATION BUT	06-12-1995	CLD	07-11-1995
87214-R1	15BM/ MXR	RELIGIOUS BELIEFS BUT	06-21-1995	CLD	07-18-1995
86301-A1	26ZM/ BOP	OTHER MEDICAL MATTERS-NO URINE TESTING/ON MEDICATION BUT	07-21-1995	CLD	08-21-1995
87214-A1	15BM/ BOP	RELIGIOUS BELIEFS BUT	07-31-1995	CLD	08-03-1995
152529-F1	34ZM/ BUT	OTHER COMPLAINT AGNST STAFF-ANTI-WHITE RACISM BUT	02-13-1998	CLD	03-02-1998
G0002	MORE PAGES TO FOLLOW . . .				

REMEDY-ID	SUBJ1/SUBJ2	ABSTRACT				STATUS-DATE
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS	
264019-F1	34CM/ BUH	CLAIMS DISC. BUH	DUE TO DOORS LOCKED 04-01-2002	COUNT CLD	04-16-2002	
264019-R1	34CM/ MXR	CLAIMS DISC. BUH	DUE TO DOORS LOCKED 04-25-2002	COUNT CLD	05-01-2002	
267518-F1	15ZM/ BUH	CHALLENGING URINALYSIS BUH	PROGRAM STATEMENT 05-10-2002	CLD	05-21-2002	
269429-F1	32ZM/ BUH	FEELS HE SHOULD NOT BE BUH	IN FEDERAL CONFINEMENT 06-05-2002	CLD	06-19-2002	
267518-A1	15ZM/ BOP	CHALLENGING URINALYSIS BUH	PROGRAM STATEMENT 06-10-2002	REJ	06-10-2002	
269429-R1	32ZM/ MXR	FEELS HE SHOULD NOT BE BUH	IN FEDERAL CONFINEMENT 07-01-2002	CLD	07-24-2002	

G0002 MORE PAGES TO FOLLOW . . .

REMEDIY-ID	SUBJ1/SUBJ2	ABSTRACT				
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
267518-R1	15ZM/ MXR	CHALLENGING URINALYSIS	PROGRAM STATMENT			
		BUH	07-12-2002	CLD	08-07-2002	
269429-A1	32ZM/ BOP	FEELS HE SHOULD NOT BE IN FEDERAL CONFINEMENT				
		BUH	08-06-2002	CLD	09-27-2002	
267518-A2	15ZM/ BOP	CHALLENGING URINALYSIS	PROGRAM STATMENT			
		BUH	09-04-2002	CLD	10-25-2002	
279269-F1	13HM/ BUH	WANTS ROOMMATE OF SAME RACE AND ADEQUATE SCREENING				
		BUH	10-01-2002	CLD	11-08-2002	
281333-F1	33ZM/ BUH	I/M STATES POLICY/PROCEDURES DO NOT APPLY TO HIM				
		BUH	10-21-2002	CLD	11-22-2002	
279269-R1	13HM/ MXR	WANTS ROOMMATE OF SAME RACE AND ADEQUATE SCREENING				
		BUH	11-22-2002	CLD	12-11-2002	
G0002	MORE PAGES TO FOLLOW . . .					

REMEDY-ID	SUBJ1/SUBJ2	RCV-OFC	RCV-FACL	DATE-RCV	ABSTRACT	STATUS	STATUS-DATE
281333-R1	33ZM/ MXR		I/M STATES POLICY/PROCEDURES	DO NOT APPLY TO HIM			
		BUH	BUH	12-17-2002		CLD	01-08-2003
288116-F1	26ZM/ BUH		IMPROPER/INADEQUATE TREATMENT TEAM PROCEDURES				
		BUH	BUH	01-15-2003		CLD	02-06-2003
281333-A1	33ZM/ BOP		I/M STATES POLICY/PROCEDURES	DO NOT APPLY TO HIM			
		BUH	BUH	01-22-2003		REJ	01-22-2003
279269-A1	13HM/ BOP		WANTS ROOMMATE OF SAME RACE AND ADEQUATE SCREENING				
		BUH	BUH	01-23-2003		REJ	01-23-2003
288116-A1	26ZM/ BOP		IMPROPER/INADEQUATE TREATMENT TEAM PROCEDURES				
		BUH	BUH	03-31-2003		REJ	03-31-2003
288116-R1	26ZM/ MXR		IMPROPER/INADEQUATE TREATMENT TEAM PROCEDURES				
		BUH	BUH	04-28-2003		CLD	05-14-2003

G0002 MORE PAGES TO FOLLOW . . .

REMEDY-ID	SUBJ1/SUBJ2	ABSTRACT				STATUS-DATE
		RCV-OFC	RCV-FACL	DATE-RCV	STATUS	
298364-F1	34CM/ BUH	DISCRIMINATION IN ROOM ASSIGNMENTS BUH	05-07-2003	CLD	05-30-2003	
298364-R1	34CM/ MXR	DISCRIMINATION IN ROOM ASSIGNMENTS BUH	06-13-2003	CLD	07-02-2003	
288116-A2	26ZM/ BOP	IMPROPER/INADEQUATE TREATMENT TEAM PROCEDURES BUH	07-18-2003	CLO	08-20-2003	
298364-A1	34CM/ BOP	DISCRIMINATION IN ROOM ASSIGNMENTS BUH	07-24-2003	REJ	07-24-2003	
298364-A2	34CM/ BOP	DISCRIMINATION IN ROOM ASSIGNMENTS BUH	08-19-2003	CLD	10-07-2003	
366680-F1	21AM/ DEV	APPEAL UDC DECISION DEV	02-09-2005	CLD	03-24-2005	
G0002	MORE PAGES TO FOLLOW . . .					

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REMEDY-ID SUBJ1/SUBJ2 -----ABSTRACT-----
RCV-OFC RCV-FACL DATE-RCV STATUS STATUS-DATE

372782-F1	16DM/ DEV	MAIL ISSUES DEV	04-08-2005	CLD	04-22-2005
373314-F1	25FM/ DEV	FAILURE TO SEND COURT ORDERED \$ FROM ACCT DEV	04-08-2005	CLD	06-29-2005
372762-F1	16ZM/ DEV	MAIL INTERFERENCE - NOTIFY COURT DEV	04-12-2005	REJ	04-12-2005
366680-R1	21AM/ NER	APPEALS 02-03-05 UDC HEARING, CODE 306 DEV	04-13-2005	CLD	05-12-2005
366680-A1	21AM/ BOP	APPEALS 02-03-05 UDC HEARING, CODE 306 DEV	06-01-2005	ACC	06-07-2005

G0000 251 REMEDY SUBMISSION(S) SELECTED
TRANSACTION SUCCESSFULLY COMPLETED

EXHIBIT 2

Westlaw.

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79 Fed.Appx. 606, 2003 WL 22462704 (4th Cir.(N.C.))

(Cite as: 79 Fed.Appx. 606, 2003 WL 22462704 (4th Cir.(N.C.)))

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Briefs and Other Related Documents

This case was not selected for publication in the Federal Reporter.

UNPUBLISHED

Please use FIND to look at the applicable circuit court rule before citing this opinion. Fourth Circuit Rule 36(c). (FIND CTA4 Rule 36(c).)

United States Court of Appeals,
Fourth Circuit.
Coy Ray PHELPS, Plaintiff-Appellant,

v.
John ASHCROFT; Kathleen Hawk-Sawyer,
Defendants-Appellees.
No. 03-7087.

Submitted Oct. 23, 2003.
Decided Oct. 31, 2003.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CA-03-461-5-H).

Coy Ray Phelps, Appellant Pro Se.

Before WILLIAMS, MOTZ, and SHEDD, Circuit Judges.

Affirmed by unpublished PER CURIAM opinion.

PER CURIAM.

****1 Coy Phelps** appeals the district court's orders dismissing his complaint filed pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of*

Narcotics, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971), as frivolous. See 28 U.S.C. § 1915A(b)(1) (2000). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See *Phelps v. Ashcroft*, No. CA-03-461-5-H (E.D.N.C. July 7, 2003). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED.

79 Fed.Appx. 606, 2003 WL 22462704 (4th Cir.(N.C.))

Briefs and Other Related Documents (Back to top)

- 03-7087 (Docket) (Jul. 18, 2003)

END OF DOCUMENT

EXHIBIT 3

Westlaw.

Not Reported in F.Supp.2d

Page I

2002 WL 32395568 (E.D.N.C.)

(Cite as: 2002 WL 32395568 (E.D.N.C.))

H

Motions, Pleadings and Filings

Only the Westlaw citation is currently available.

• 5:02HC00598 (Docket)

(Aug. 22, 2002)

END OF DOCUMENT

United States District Court,
E.D. North Carolina.
Coy PHELPS, Petitioner,
v.
Art BEELER, Respondent.
No. 5:02-HC-598-BO.

Sept. 4, 2002.

Coy R. Phelps, 78872-011, Butner, NC, pro se.

ORDER

BOYLE, Chief J.

*1 Petitioner is housed at the Federal Medical Center at Butner, North Carolina. He has filed this habeas petition pursuant to 28 U.S.C. § 2241. The matter is before the undersigned on initial review. A case is frivolous if it lacks an arguable basis either in law or in fact. *Neitzke v. Williams*, 490 U.S. 319, 325, 109 S.Ct. 1827, 104 L.Ed.2d 338 (1989).

Petitioner claims that due process should allow for involuntarily committed inmates to commit suicide and administrative procedures should be put in place to facilitate such requests. Petitioner has no such constitutional right and the case is without arguable basis in law or fact. ACCORDINGLY, this matter IS DISMISSED as FRIVOLOUS. SO ORDERED, this 30TH day of August 2002.

2002 WL 32395568 (E.D.N.C.)

Motions, Pleadings and Filings (Back to top)

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EXHIBIT 4

Westlaw.

51 Fed.Appx. 481

Page 1

51 Fed.Appx. 481, 2002 WL 31720621 (4th Cir.(N.C.))

(Cite as: 51 Fed.Appx. 481, 2002 WL 31720621 (4th Cir.(N.C.)))

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Briefs and Other Related Documents

This case was not selected for publication in the Federal Reporter.

UNPUBLISHED

Please use FIND to look at the applicable circuit court rule before citing this opinion. Fourth Circuit Rule 36(c). (FIND CTA4 Rule 36(c).)

United States Court of Appeals,
Fourth Circuit.
Coy Ray PHELPS, Petitioner-Appellant,
v.
Art BEELER, Respondent-Appellee.
No. 02-7586.

Submitted Nov. 21, 2002.
Decided Dec. 4, 2002.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, Chief District Judge. (CA-02-598- 5-BO).

Coy Ray Phelps, Appellant Pro Se.

Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

Affirmed by unpublished PER CURIAM opinion.

PER CURIAM.

****1 Coy Ray Phelps** appeals the district court's order denying relief on his 28 U.S.C. § 2241 (2000) petition. We have reviewed the record and the district court's opinion and find no reversible error.

Accordingly, we affirm on the reasoning of the district court. See *Phelps v. Beeler*, No. CA-02-598-5-BO (E.D.N.C. filed Sept. 4, 2002 & entered Sept. 5, 2002). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED.

51 Fed.Appx. 481, 2002 WL 31720621 (4th Cir.(N.C.))

Briefs and Other Related Documents (Back to top)

- 02-7586 (Docket)
(Oct. 24, 2002)

END OF DOCUMENT

EXHIBIT 5

Westlaw.

Not Reported in F.Supp.2d
 2003 WL 23857318 (E.D.N.C.)
 (Cite as: 2003 WL 23857318 (E.D.N.C.))

Page 1

H

Motions, Pleadings and Filings

Only the Westlaw citation is currently available.

United States District Court,
 E.D. North Carolina.
Coy PHELPS, Plaintiff,
 v.
 John ASHCROFT and Kathleen Hawk-Sawyer,
 Defendants.
No. 5:03-CT-461-H.

July 2, 2003.
Coy R. Phelps, Butner, NC, Plaintiff Pro Se.

ORDER

HOWARD, J.

*1 Plaintiff, an inmate at the Federal Medical Center in Butner, North Carolina (FMC-Butner), filed this as a *Bivens* [FN1] action alleging a violation of his constitutional rights. This matter is before the court for a frivolity review pursuant to 28 U.S.C. § 1915A. A claim having no arguable basis in law or in fact may be dismissed as frivolous. *Neitzke v. Williams*, 490 U.S. 319, 109 S.Ct. 1827, 104 L.Ed.2d 338 (1989).

FN1. *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971).

This is one of a number of cases filed by Petitioner against the same Defendants challenging the constitutionality of his confinement. In the current complaint, Plaintiff claims that the statutes under which he is committed, 18 U.S.C. § 4243 and 18

U.S.C. § 4247, only allow for state confinement, not federal confinement. He therefore claims that his custody under authority of the Bureau of Prisons violates the Fourth, Fifth, Eighth, and Ninth Amendments of the Constitution.

Although couched in different language, Plaintiff's complaint, challenging the constitutionality of his confinement, is the same as that presented and disposed of in previous cases, including *Phelps v. Beeler*, 5:02-CT-501-H, which was affirmed by the Fourth Circuit Court of Appeals in an unpublished opinion, 51 Fed.Appx. 474, 2002 WL 31720227(4th Cir.), and his petition for a writ of certiorari was subsequently denied by the United States Supreme Court in 123 S.Ct. 1709(2003). Because the substance of Plaintiff's claim, the constitutionality of his confinement, was previously addressed, and because his construction of the aforementioned statutes is misplaced, this action is hereby DISMISSED as frivolous.

SO ORDERED.

2003 WL 23857318 (E.D.N.C.)

Motions, Pleadings and Filings (Back to top)

- 5:03CT00461 (Docket)
 (Jun. 13, 2003)

END OF DOCUMENT

EXHIBIT 6

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

COY PHELPS, :
Plaintiff, :
v. : Civil Action No. 05-40003
DAVID WINN, ET. AL., :
Defendants. :

DECLARATION OF PAUL HARVEY, MD

I, Paul Harvey, MD, hereby declare and state as follows:

1. I am assigned as the Chief of Mental Health in the Federal Bureau of Prisons at the Federal Medical Center (FMC) Devens, Massachusetts, and have held this position at all times relevant to this complaint.
2. I am an employee of the Commissioned Corps of United States Public Health Service. I have been assigned as a Medical Officer and Chief of Mental Health in Federal Bureau of Prisons' institutions since approximately October 11, 1999. I have been assigned to FMC Devens since September 5, 2004. See attached Orders.
3. On or about April 13, 2005, I was served with a copy of the complaint and summons by a Deputy Sheriff of Middlesex County in Massachusetts.

Pursuant to the provisions of 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

Executed this 24th day of June, 2005.



Paul Harvey, MD
Chief of Mental Health
Federal Bureau of Prisons
Federal Medical Center
Devens, Massachusetts

DEPARTMENT OF HEALTH AND HUMAN SERVICES
 PUBLIC HEALTH SERVICE
 5600 FISHERS LANE, ROCKVILLE, MD., 20857

PERSONNEL ORDER NUMBER 4177.020
 TRANSFER

06-25-04
 EFF: 09-05-04 NOA: 7215

HARVEY, PAUL T. PHS#: 66917
 FEDERAL CORRECTIONAL INST. SSAN: 252-04-6927
 PO BOX 9999 HLTH SVC U
 MILAN MI 48160

PERM GRADE: O-4 SURGEON
 TEMP GRADE: O-5 (COMMANDER) SENIOR SURGEON
 CATEGORY: MEDICAL CORPS: RESERVE ACTIVE

OFFICE OF OPERATIONS & MANAGEMENT, DETAILED TO BPMP, PRISON HEALTH SERVICES REG 5, HOSPITAL, FEDERAL CORRECTIONAL INSTITUTION, MILAN, MI DATE ASSIGNED NEW ORGANIZATION: 09-05-04

REPORT TO NEW DUTY STATION NOT LATER THAN 0900 HOURS ON 09-07-04
 NEW ORGANIZATION:

OFFICE OF OPERATIONS & MANAGEMENT, PRISON HEALTH SERV, DETAILED TO BPMP, PHS REGION 1, FEDERAL MEDICAL CENTER (DEVENS), AYER, MA

NEW ADMINISTRATIVE CODE: RC36A105

NEW STATION:

FEDERAL MEDICAL CENTER MS: HLTH SVC U
 P.O. BOX 880, AYER, MA 01432

GEOGRAPHIC CODE: 250060017

BDN: 01CC067 TITLE: CHIEF, DEPARTMENT

OLD CAN(PAY): 41990395

CAN(PAY): 41990563	ACCT PT(PAY): 30	D/A#: 92583
CAN(TVL): 41990563	ACCT PT(TVL): 30	

JOINT FEDERAL TRAVEL REGULATIONS; TRAVEL DIRECTED AS NECESSARY
 TRAVEL/RELOCATION INFORMATION AT: [HTTP://DCP.PSC.GOV/TRAVEL/TRAVELL.ASP](http://DCP.PSC.GOV/TRAVEL/TRAVELL.ASP)
 PERMANENT CHANGE OF STATION
 PRIVATELY OWNED CONVEYANCE IS AUTHORIZED
 DISLOCATION ALLOWANCE AUTHORIZED

DETAILED UNDER PROVISIONS OF SEC. 214(A) OF THE PHS ACT.
 FOR MEDICAL CARE ACCESS PLEASE CALL (800) 368-2777

OFFICIAL

BY DIRECTION OF THE SURGEON GENERAL

DIRECTOR
 OFFICE OF COMMISSIONED CORPS OPERATIONS

EXHIBIT 7

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

COY PHELPS, :
Plaintiff, :
: v. : Civil Action No. 05-40003
DAVID WINN, ET. AL., :
Defendants. :

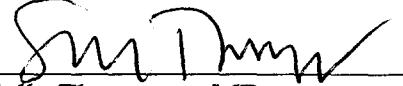
DECLARATION OF SALLY THOMPSON, MD

I, Sally Thompson, hereby declare and state as follows:

1. I am assigned as the Chief of Psychiatry in the Federal Bureau of Prisons at the Federal Medical Center (FMC) Devens, Massachusetts, and have held this position since on or about November 15, 2004.
2. I am an employee of the Commissioned Corps of United States Public Health Service. I have been assigned as a Psychiatrist in Federal Bureau of Prisons' institutions since approximately October 1, 1998. See attached Orders.
3. On or about March 31, 2005, I was served with a copy of the complaint and summons by a Deputy Sheriff of Middlesex County in Massachusetts.

Pursuant to the provisions of 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

Executed this 24th day of June, 2005.


Sally Thompson, MD
Chief of Psychiatry
Federal Bureau of Prisons
Federal Medical Center
Devens, Massachusetts

DEPARTMENT OF HEALTH AND HUMAN SERVICES
 PUBLIC HEALTH SERVICE
 5600 FISHERS LANE, ROCKVILLE, MD., 20857

PERSONNEL ORDER NUMBER 8257.003

09-14-98

TRANSFER

EFF: 10-01-98

NOA: 7211

AMENDMENT

THOMPSON, SALLY W.
 PHS ALASKA NATIVE MED CTR
 4315 DIPLOMACY DR
 ANCHORAGE AK 99508

PHS#: 52640
 SSAN: 143-48-2721

PERM GRADE: O-5 SENIOR SURGEON
 TEMP GRADE: O-6 (CAPTAIN) MEDICAL DIRECTOR
 CATEGORY: MEDICAL CORPS: RESERVE ACTIVE

IHS, ALASKA NATIVE HEALTH AREA OFFICE, IPA PROVIDER GRP
 DATE ASSIGNED NEW ORGANIZATION: 10-01-98
 REPORT TO NEW DUTY STATION NOT LATER THAN 0900 HOURS ON 10-02-98
 NEW ORGANIZATION:

HRSA, BPHC, OFC OF THE DIR, MDCL PRGMS,
 DETAILED TO BPMP, PRISON SERVICES, BUREAU OF PRISONS, WASH, D.C.
 NEW ADMINISTRATIVE CODE: HBC1-E4F2

NEW STATION:

FED MED CTR/HLTH SVCS UNIT
 PO BOX 880, AYER, MA 01432

GEOGRAPHIC CODE: 250060017
 BDN: 01HB065 TITLE: CLINICAL SPECIALTY CONSULTANT

OLD CAN(PAY): 8J596186

CAN(PAY): 93910563	ACCT PT(PAY): 30	D/A#: 92583
CAN(TVL): 93910563	ACCT PT(TVL): 30	

JOINT FEDERAL TRAVEL REGULATIONS

TRAVEL DIRECTED IS NECESSARY

PERMANENT CHANGE OF STATION

DISLOCATION ALLOWANCE AUTHORIZED

AUTHORIZED SHIPMENT OF PRIVATELY OWNED AUTOMOBILE

AUTHORIZED 25 LBS. ACCOMPANIED EXCESS BAGGAGE PER PERSON

AUTHORIZED 1000 LBS. AIR FREIGHT

DETAILED UNDER PROVISIONS OF SEC. 214(A) OF THE PHS ACT.

NOA EFFECTIVE DATE AND ALL RELATED DATES ON PO 8253.011 DATED 09-10-98
 ARE AMENDED AS ABOVE.

OFFICIAL

BY DIRECTION OF THE SURGEON GENERAL

ACTING DIRECTOR

DIVISION OF COMMISSIONED PERSONNEL